



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 20, 2015 **REPORT NO.** PC-15-056

ATTENTION: Planning Commission, Agenda of May 28, 2015

SUBJECT: APPEAL OF THE HEARING OFFICER'S DECISION TO APPROVE A CONDITIONAL USE PERMIT & SITE DEVELOPMENT PERMIT FOR 3433 PICKWICK STREET MMCC - PROJECT NO. 368351 (PROCESS 3).

REFERENCE: Report to the Hearing Officer; Report No. HO-15-032 (Attachment 1-12).

**OWNER/
APPLICANT:** KYU M. & KUM S. HWANG /
Douglas McCrady

SUMMARY

Issue: Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision to approve a Conditional Use Permit (CUP) and Site Development Permit (SDP) to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 3,500 square-foot building on a 0.11-acre site within the Southeastern San Diego Community Plan area?

Staff Recommendation: Deny the appeal and Uphold the Hearing Officer's decision to Approve Conditional Use Permit No. 1298482 and Site Development Permit No. 1339753.

Community Planning Group Recommendation: On February 10, 2015, the Southeastern San Diego Community Planning Group voted 6-3-0 to deny the project (Attachment 10).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on September 24, 2014 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on January 13, 2015.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: None with this action.

BACKGROUND

In 1996 the people of the State of California passed Proposition 215, the Compassionate Use Act, which allows the use of marijuana for medical purposes when recommended by a physician and excludes the patient and the primary caregiver from criminal prosecution. In 2004, Senate Bill 420, the Medical Marijuana Program Act (MMP) became law. The MMP requires the California Department of Public Health (DPH) to establish and maintain a program for the voluntary registration of qualified medical marijuana patients and their primary caregivers through a statewide identification card system, sets possession guidelines for cardholders, and recognizes a qualified right to collective and cooperative cultivation of medical marijuana. In 2008 the California Attorney General established guidelines for Medical Marijuana Collective Operations and allowed cities to adopt and enforce laws consistent with the MMP.

On March 25, 2014 the City of San Diego adopted Ordinance No. O-20356, to implement zoning regulations for Medical Marijuana Consumer Cooperatives (MMCC). MMCCs are allowed with a Conditional Use Permit, Process 3, Hearing Officer Decision. A limit of four MMCCs per Council District (36 city-wide) was adopted in order to minimize the impact on the City and residential neighborhoods.

This proposed project is a request for a Conditional Use Permit (CUP) and Site Development Permit (SDP) to operate a MMCC in a 3,500 square foot building on a 0.11-acre site. The site was developed with a one-story building in 1979 per Building Permit No. M64069. The site is located at 3433 Pickwick Street, north of Market Street, south of Highway 94, and west of Interstate 15 (Attachment 2). The site is in the I-1 Zone in the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Plan Area. The Southeastern San Diego Planned District Ordinance requires a SDP for any use that requires a CUP. The Light Industrial I-1 zone is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities.

The site is designated Industrial within the Gateway Center West and Stockton neighborhood of the Southeastern San Diego Community Plan. Gateway Center West is one of four adopted redevelopment project areas which encourages new and relocated industries that provide employment opportunities for community residents. The Industrial development in Stockton has played a major role in the history of this neighborhood as private developers have purchased this land for a variety of industrial uses. The adjacent parcels to the MMCC are in the I-1 zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a CUP and SDP within this community plan.

MMCCs must comply with San Diego Municipal Code (SDMC) Section 141.0614 which requires a 1,000 foot separation, measured between property lines, from; public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana

consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCC Conditional Use Permits expire five years from date of issuance. MMCC's must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The applicant has voluntarily agreed to the following conditions to avoid adverse impact to the community: 1) installation of operable surveillance cameras and a metal detector; 2) preserving camera recordings for a minimum of 30 days; 3) maintaining an armed security guard on the premises during hours of operation; 4) graffiti removed within 24 hours (Attachment 15, Conditions Number 16 & 20).

Attachment No. 9 within the Hearing Officer Report No. HO-15-056 incorrectly contained three exhibits. The first two exhibits, Sheet 1(site plan, floor plan & elevations) and Sheet 2 (landscaping) should be included. The third sheet which is not numbered (site plan, floor plan & elevations) was inadvertently included and is not part of the project.

Staff determined that the proposed MMCC met all applicable development regulations, including the minimum distance requirements and recommended approved of the project. On March 25, 2015, the Hearing Officer approved the project.

DISCUSSION

Appeal: An appeal of the Hearing Officer's decision was filed on March 25, 2015 by Jay Davis on the grounds of Findings not supported (Attachment 13). On March 30, 2015, Donna Jones, on behalf of Med Box, filed an appeal on the grounds of Factual Error, Conflict with matters, Findings not supported and new information (Attachment 14).

The appellants' summarized grounds for appeal issues and staff responses are as follows:

Appeal Issues:

1. *Finding SDMC 126.0305(b), "the proposed development will not be detrimental to the public, health, safety and welfare" is not supported. This project will expose the public to loitering, marijuana smoking at the premises and hash oil explosion.*

Staff Response: The CUP/SDP permit (Attachment 15) contains the following required and voluntary conditions to ensure the public, health, safety and welfare of the community: 1) No consultations by medical professionals on site; 2) no vending machines without a human intermediary; 3) interior and exterior lighting; 4) surveillance camera (recordings maintained a minimum of 30 days); 5) metal detector; 6) alarm; 7) armed security guard during hours of operation; 8) no loitering; 9) no smoking on site; 10) hours of operation from 7:00 a.m. to 9:00 p.m. seven days a week; 11) permit expires in five years; 12) compliance with Chapter

4, Article 2, Division 15; and 13) MMCC permit (fingerprinting and background checks of all responsible persons).

State law prohibits medical marijuana smoking (a) where smoking is prohibited by law, (b) at or within 1000 feet of a school, recreation center, or youth center (unless the medical use occurs within a residence), (c) on a school bus, or (d) in a moving motor vehicle or boat.

Health & Safety Code § 11362.79. Our local smoking prohibitions are in Chapter 4, Article 3, Division 10 and apply to the smoking of tobacco or any weed or plant.

State law prohibits the concentration of controlled substances by chemical extraction. Health & Safety Code § 11379.6.

2. *The Hearing Officer's determination was base on factual error.*

Staff Response: On March 25, 2015, the Hearing Officer considered staff's report and public comment in favor and opposition of the project. The Hearing Office determined that the findings could be made and, therefore, approved Conditional Use Permit No. 1298482 and Site Development Permit No. 1339753.

3. *The Hearing Officer's decision to approve the CUP is in conflict with the Municipal Code and/or City Council Policy.*

Staff Response: MMCCs are permitted with a CUP in accordance with Process Three decision in limited base zones provided that no more than four MMCCs are permitted in each City Council District and all the development regulations are met. This project met all the development regulations of the Municipal Code and was the third MMCC in Council District 8 approved by the Hearing Officer.

4. *The findings that the applicant's proposed project location is appropriate is not supported.*

Staff Response: The proposed project located at 3433 Pickwick Street is in the I-1 Zone of the Southeastern San Diego Planned District Ordinance and within the Southeastern San Diego Community Plan Area. The proposed MMCC is consistent with the Industrial community plan designation and is allowed in this zone and with a CUP & SDP. MMCCs must comply with San Diego Municipal Code (SDMC) Section 141.0614 which requires a 1,000 foot separation, measured between property lines, from; public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. The proposed project is in an allowed zone, is consistent with the community plan designation, is not located within 1,000 feet of above mentioned uses, and is, therefore, located at an appropriate location.

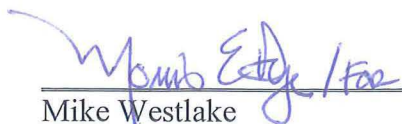
5. *There is new information which was not considered by DSD staff or the Hearing Officer.*

Staff Response: Staff is unaware of new information. No new information was disclosed in the appeal application.

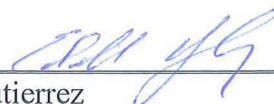
Conclusion:

Staff is recommending denial of the appeal and approval of the project as it meets all applicable development regulations, including the minimum distance requirements.

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



Edith Gutierrez
Development Project Manager
Development Services Department

Attachments:

- 1-12 Report to the Hearing Officer – Report HO-15-031
- 13. Appeal Application, Jay Davis
- 14. Appeal Application, Donna Jones
- 15. Draft Permit with Conditions
- 16. Draft Permit Resolution with Findings



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: March 25, 2015

REPORT NO. HO-15-032

ATTENTION: Hearing Officer

SUBJECT: 3433 PICKWICK STREET MMCC
PROJECT NUMBER: 368351

LOCATION: 3433 Pickwick Street

APPLICANT: Douglas Mccrady

SUMMARY

Issue(s): Should the Hearing Officer approve a Conditional Use Permit and Site Development Permit to allow a Medical Marijuana Consumer Cooperative (MMCC) to operate in a 3,500 square foot building within the Southeastern San Diego Community Plan Area?

Staff Recommendation: APPROVE Conditional Use Permit No. 1298482 and Site Development Permit No. 1339753. (NOTE: There are two competing MMCCs within 1,000 feet of each other on today's docket. The Hearing Officer can approve only one of these MMCC's pursuant to the San Diego Municipal Code's 1,000 foot minimum distance separation requirement).

Community Planning Group Recommendation: On February 10, 2015, the Southeastern San Diego Community Planning Group voted 6-3-0 to deny the project (attachment 10).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on September 24, 2014 (Attachment 8). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on January 13, 2015. The scope of the Hearing Officer's decision only includes the project, and not the environmental determination.

BACKGROUND

In 1996 the people of the State of California passed Proposition 215, the Compassionate Use Act, which allows the use of marijuana for medical purposes when recommended by a physician and excludes the patient and the primary caregiver from criminal prosecution. In 2004, Senate Bill 420, the Medical Marijuana Program Act (MMP) became law. The MMP requires the California Department of Public Health (DPH) to establish and maintain a program for the voluntary registration of qualified medical marijuana patients and their primary caregivers through a statewide identification card system, sets possession guidelines for cardholders, and recognizes a qualified right to collective and cooperative cultivation of medical marijuana. In 2008 the California Attorney General established guidelines for Medical Marijuana Collective Operations and allowed cities to adopt and enforce laws consistent with the MMP.

On March 25, 2014 the City of San Diego adopted Ordinance No. O-20356, to implement zoning regulations for Medical Marijuana Consumer Cooperatives (MMCC). MMCC's are allowed with a Conditional Use Permit, Process 3, Hearing Officer Decision. A limit of four MMCC's per Council District (36 city-wide) was adopted in order to minimize the impact on the City and residential neighborhoods.

This proposed project is a request for a Conditional Use Permit (CUP) and Site Development Permit (SDP) to operate a MMCC in a 3,500 square foot building on a 0.11-acre site. The site was developed with a one-story building in 1979 per Building Permit No. M64069. The site is located at 3433 Pickwick Street, north of Market Street, south of Highway 94, and west of Interstate 15 (Attachment 2). The site is in the I-1 Zone in the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Plan Area. The Southeastern San Diego Planned District Ordinance requires a SDP for any use that requires a CUP. The Light Industrial I-1 zone is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities.

The site is designated Industrial within the Gateway Center West and Stockton neighborhood of the Southeastern San Diego Community Plan. Gateway Center West is one of four adopted redevelopment project areas which encourages new and relocated industries that provide employment opportunities for community residents. The Industrial development in Stockton has played a major role in the history of this neighborhood as private developers have purchased this land for a variety of industrial uses. The adjacent parcels to the MMCC are in the I-1 zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a CDP and SDP within this community plan.

DISCUSSION

The project site located at 3433 Pickwick Street is a 0.11-acre site developed with a 3,500 square foot one-story building which is currently being used as an office/warehouse. The MMCC is proposing interior improvements that include a reception area, dispensary, offices, restrooms,

storage and warehouse. Public improvements include the replacement of the existing driveway with a 20-foot wide City standard driveway, on Pickwick Street and landscaping.

MMCC's must comply with San Diego Municipal Code (SDMC), Section 141.0614 which requires a 1,000 foot separation, measured between property lines, from; public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCC's prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard for the tenant/facility space and directly adjacent area. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCC Conditional Use Permits expire five years from date of issuance. MMCC's must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The applicant has voluntarily agreed to the following conditions in order avoid adverse impact to the community: 1) operable surveillance cameras and a metal detector to the satisfaction of the San Diego Police Department 2) the cameras shall have and use a recording device that maintains the records for a minimum of 30 days 3) an armed security guard to the extent the possession of a firearm by the security guard is not in conflict with 18 U. S.C. § 922(g) and 27 C.F.R § 478.11. Nothing herein shall be interpreted to require or allow a violation of federal firearms laws 4) the security guard is required to be on the premises during hours of operation) graffiti must be removed within 24 hours (Attachment 4, Conditions Number 16 & 20).

The City of San Diego, Development Services staff has reviewed the 1,000 foot radius map (Attachment 6) and 1,000 foot spreadsheet exhibit (Attachment 7) provided by the applicant identifying all the existing uses. Staff has determined that the proposed MMCC meets all applicable development regulations, including the minimum distance requirements. The permit has been conditioned to include all development restrictions and the applicant has willingly proposed additional conditions in order to avoid adverse impacts upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area.

CONCLUSION

The Conditional Use Permit and Site Development Permit for the proposed MMCC may be approved if the Hearing Officer finds that the MMCC meets all applicable regulations. Staff has reviewed the proposed MMCC and has determined that it meets all applicable sections of the San Diego Municipal Code, the Southeastern San Diego Community Plan and the General Plan. Additionally, the required findings can be made and therefore, staff is recommending approval of the project as proposed.

ALTERNATIVE

1. Approve Conditional Use Permit No. 1298482 and Site Development Permit No. 1339753, with modifications.

2. Deny Conditional Use Permit No. 1298482 and Site Development Permit No. 1339753, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Edith Gutierrez, Development Project Manager

Attachments:

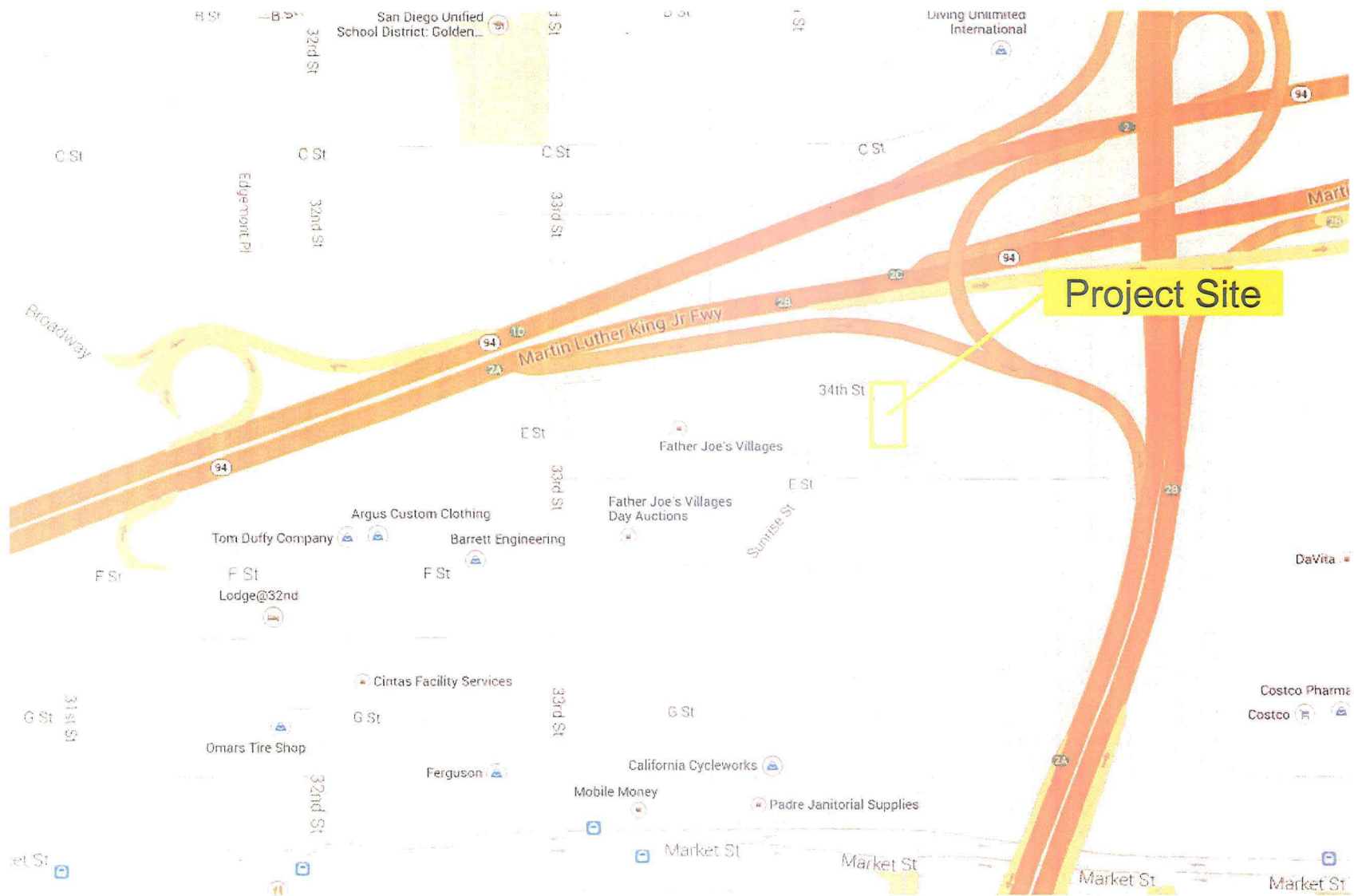
1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Draft Permit with Conditions
5. Draft Permit Resolution with Findings
6. 1000 Foot Radius Map
7. 1000 Foot Radius Map Spreadsheet
8. Notice of Right to Appeal
9. Project Site Plan(s)
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Crime Prevention Through Environmental Design recommendations



Location Aerial Photo

3433 PICKWICK ST MMCC – 3433 Pickwick Street
PROJECT NO. 368351

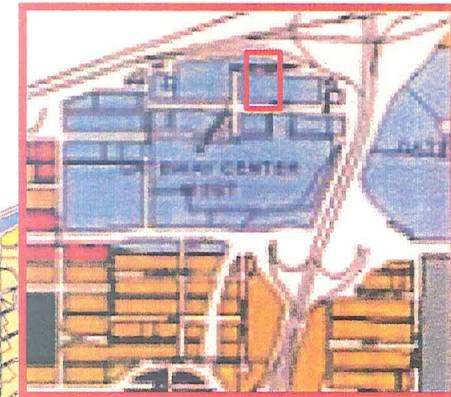




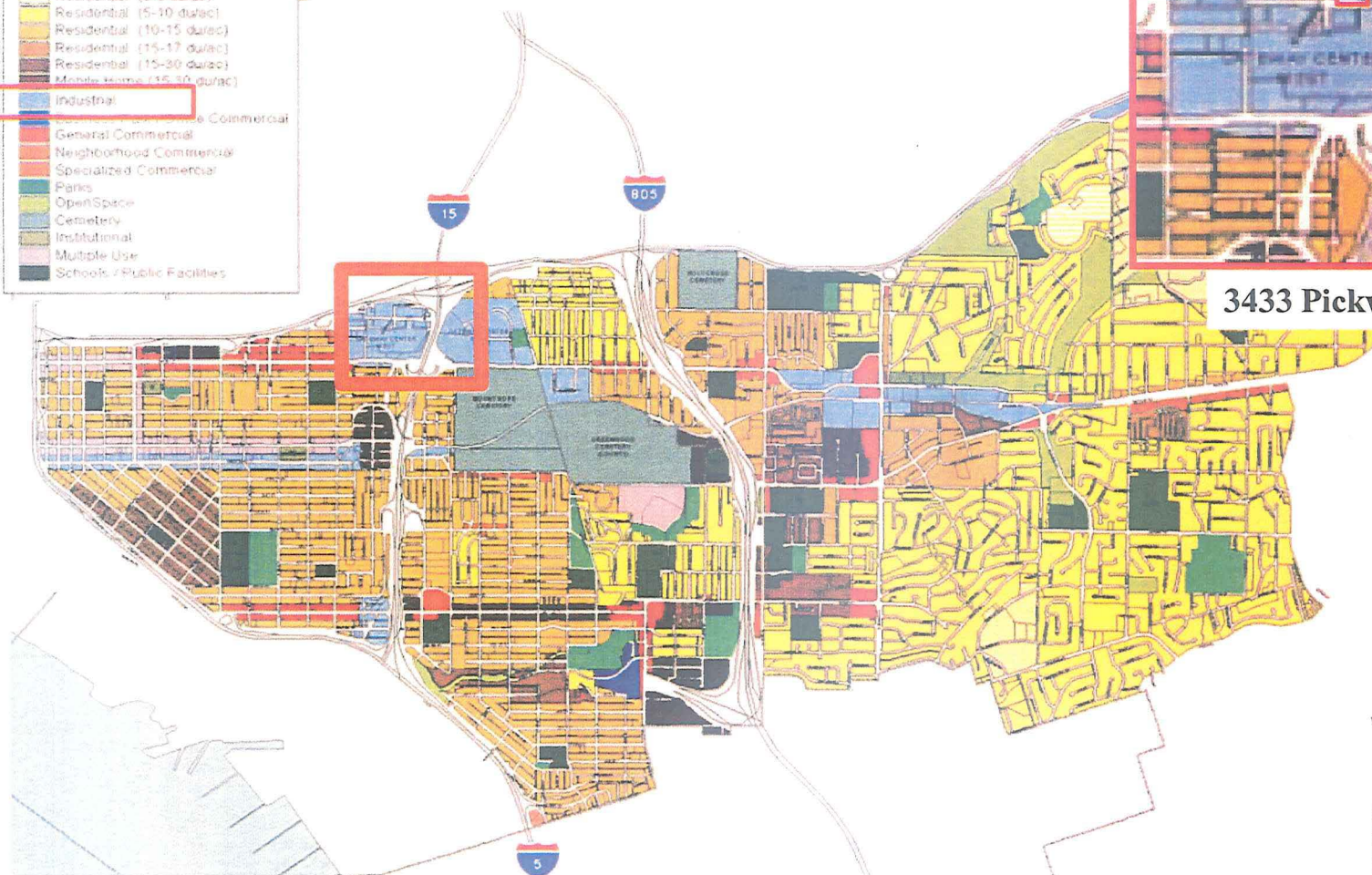
Project Location Map

3433 PICKWICK ST MMCC – 3433 Pickwick Street
PROJECT NO. 368351





3433 Pickwick Street



Southeastern San Diego Community Plan Land Use



Land Use Map

3433 PICKWICK ST MMCC – 3433 Pickwick Street
PROJECT NO. 368351



RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004645

CONDITIONAL USE PERMIT NO. 1298482 AND
SITE DEVELOPMENT PERMIT NO. 1339753
3433 PICKWICK STREET MMCC - PROJECT NO. 368351
HEARING OFFICER

This Conditional Use Permit No. 1298482 and Site Development Permit No. 1339753 are granted by the Hearing Officer of the City of San Diego to KYU M. HWANG AND KUM S. HWANG, Owners and DOUGLAS MCCRADY, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305 & 126.0504. The 0.11-acre site is located at 3433 Pickwick Street is in the I-1 Zone in the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Plan Area. The project site is legally described as: Lots 16 & 17, Block 2 of Orange Park, Map No. 1210, September 25, 1909.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Medical Marijuana Consumer Cooperative (MMCC) and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 25, 2015, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) within an existing 3,500 square foot building on a 0.11- acre site;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Existing off-street parking;
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in

accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by April 10, 2018.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on April 10, 2020.
3. In addition to the provisions of the law, the MMCC must comply with; Chapter 4, Article 2, Division 15 and Chapter 14, Article 1, Division 6 of the San Diego Municipal Code.
4. No construction, occupancy, or operation of any facility or improvement described herein shall commence, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department.
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
 - c. A MMCC Permit issued by the Development Services Department is approved for all responsible persons in accordance with SDMC, Section 42.1504.
5. While this Permit is in effect, the MMCC shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
6. This Permit is a covenant running with the MMCC and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies

including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

10. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

11. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

12. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

PLANNING/DESIGN REQUIREMENTS:

13. The use within the 3,500 square foot building shall be limited to the MMCC and any use permitted in the I-1 Zone.
14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras and a metal detector to the satisfaction of the San Diego Police Department, alarms, and an armed security guard to the extent the possession of a firearm by the security guard is not in conflict with 18 U.S.C. § 922(g) and 27 C.F.R. § 478.11. Nothing herein shall be interpreted to require or allow a violation of federal firearms laws. The security guard shall be licensed by the State of California and be on the premises during business hours. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis. The cameras shall have and use a recording device that maintains the records for a minimum of 30 days.
17. The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the MMCC in character size at least two inches in height.
18. The MMCC shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
19. The use of vending machines which allow access to medical marijuana except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this section and condition, a vending machine is any device which allows access to medical marijuana without a human intermediary.
20. The Owner/Permittee or operator shall maintain the MMCC, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. Graffiti shall be removed within 24 hours.
21. Medical marijuana shall not be consumed anywhere within the 0.11-acre site.
22. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.
23. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations and shall further be restricted by this permit. Sign colors and typfaces are limited to two. Ground signs shall not be pole signs. A sign is required to be posted on the outside of the MMCC and shall only contain the name of the business.

ENGINEERING REQUIREMENTS:

24. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveway with a 20-foot wide City standard driveway, on Pickwick Street, per Standard Drawing SDG-162, satisfactory to the City Engineer.

LANDSCAPING REQUIREMENTS:

25. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.

26. Prior to issuance of any engineering permits for right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

27. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Development Services Department. Construction plans shall show, label, and dimension a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

28. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

29. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

TRANSPORTATION REQUIREMENTS:

30. No fewer than 2 parking spaces including 1 accessible space (2 parking spaces provided including 1 van accessible space) shall be maintained on the property at all times in the approximate locations shown on Exhibit "A". All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

POLICE DEPARTMENT RECOMMENDATION:

31. The San Diego Police Department recommends that a Crime Prevention Through Environmental Design (CPTED) review be requested by their department and implemented for the MMCC.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on March 25, 2015 and Resolution No. HO-XXXX.

Conditional Use Permit No.1298482 & Site Development Permit No. 1339753/PTS No. 368301
Date of Approval: March 25, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Edith Gutierrez
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

KYU M. HWANG
Owner

By _____
Kyu M. Hwang
Owner

KUM S. HWANG
Owner

By _____
Kum S. Hwang
Owner

DOUGLAS MCCRADY
Permittee

By _____
Douglas Mccrady
Permittee

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

HEARING OFFICER
RESOLUTION NO. HO-
CONDITIONAL USE PERMIT NO. 1298482 AND
SITE DEVELOPMENT PERMIT NO. 1339753
3433 PICKWICK STREET MMCC - PROJECT NO. 368351

WHEREAS, KYU M. HWANG AND KUM S. HWANG, Owners and DOUGLAS MCCRADY, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 3,500 square foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1298482 and 1339753), on portions of a 0.11-acre site;

WHEREAS, the project site is located at 3433 Pickwick Street in the I-1 Zone in the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Plan Area;

WHEREAS, the project site is legally described as Lots 16 & 17, Block 2 of Orange Park, Map No. 1210, September 25, 1909;

WHEREAS, on March 25, 2015, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. 1298482 and Site Development Permit No. 1339753 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on September 24, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and the Environmental Determination was appealed to City Council, which heard and denied the appeal on January 13, 2015 pursuant to Resolution No. 309473;

NOW, THEREFORE, BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated March 25, 2015.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

1. The proposed development will not adversely affect the applicable land use plan.

The proposed project is a request for a Conditional Use Permit and a Site Development Permit to operate a MMCC in a 3,500 square foot building. The 0.11-acre site is located at 3433 Pickwick Street in the I-1 Zone in the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Plan Area. The Light Industrial I-1 zone is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities.

The site is designated Industrial within the Gateway Center West and Stockton neighborhood of the Southeastern San Diego Community Plan. Gateway Center West is one of four adopted redevelopment project areas which encourages new and relocated industries that provide employment opportunities for community residents. The Industrial development in Stockton has played a major role in the history of this neighborhood as private developers have purchased this land for a variety of industrial uses. All of the surrounding parcels are in the I-1 zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit, is consistent with the community plan, and therefore will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed 3,500 square foot MMCC located at 3433 Pickwick is within an existing one-story building. The building is currently being used as a warehouse/office. The project proposes interior improvements that include a reception area, dispensary, offices, restrooms, storage and warehouse. Also minor exterior façade improvements are proposed. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway with a 20-foot wide City standard driveway, on Pickwick Street and landscaping.

The City of San Diego conducted an environmental review of this site in accordance with the California Environmental Quality Act (CEQA) guidelines. The project was determined to be categorically exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures).

MMCCs are restricted to four per Council District, 36 city-wide, within commercial and industrial zones in order to minimize the impact on the City and residential neighborhoods. MMCCs require compliance with San Diego Municipal Code (SDMC), section 141.0614 which require a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1298482 and Site Development Permit No. 1339753.

The Conditional Use Permit and Site Development Permit are valid for five years, however may be revoked if the use violates the terms, conditions, lawful requirements, or provisions of the permit.

The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the

surrounding area and therefore, the proposed MMCC will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The proposed 3,500 square foot building located at 3433 Pickwick Street is within an existing one-story building on a 0.11-acre site. The site is in the I-1 Zone in the Southeastern San Diego Planned District Ordinance and was developed in 1979 per Building Permit No. M64069. The building is currently being used as a warehouse/office. The project proposes interior improvements that include a reception area, dispensary, offices, restrooms, storage and warehouse. Also minor exterior façade improvements are proposed. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway with a 20-foot wide City standard driveway, on Pickwick Street and landscaping.

MMCCs are allowed in the I-1 Zone of the Southeastern San Diego Planned District Ordinance with a Conditional Use Permit (CUP) and Site Development Permit (SDP). The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed MMCC is consistent with the land use designation Industrial. The proposed MMCC meets all development regulations, no deviations are requested, and the permit as conditioned assures compliance with all the development regulations of the San Diego Municipal Code. The proposed MMCC therefore complies with the regulations of the Land Development Code.

4. The proposed use is appropriate at the proposed location.

The proposed 3,500 square foot MMCC located at 3433 Pickwick Street is within an existing one-story building on a 0.11-acre site. The site is in the I-1 Zone of the Southeastern San Diego Planned District Ordinance and designated Industrial within the Southeastern San Diego Community Plan Area. The Light Industrial I-1 zone is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities. The site is designated Industrial within the Gateway Center West and Stockton neighborhood of the Southeastern San Diego Community Plan. Gateway Center West is one of four adopted redevelopment project areas which encourages new and relocated industries that provide employment opportunities for community residents. The Industrial development in Stockton has played a major role in the history of this neighborhood as private developers have purchased this land for a variety of industrial uses. The proposed MMCC, classified as commercial services, is consistent with the community plan.

MMCCs are allowed in the I-1 Zone of the Southeastern San Diego Planned District Ordinance with a Conditional Use Permit and Site Development Permit. The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The San Diego Municipal code limits MMCCs to commercial and industrial zones and the number of MMCCs to only four per Council District, 36 city-wide, in order to minimize the impact on the City and residential neighborhoods. All of the surrounding parcels are in the I-1- zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit. Therefore, the proposed MMCC is an appropriate use at the proposed location.

Site Development Permit I. - Section §126.0504

1. The proposed development will not adversely affect the applicable land use plan.

The 0.11-acre site is located at 3433 Pickwick Street in the I-1 Zone in the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Plan Area. The Light Industrial I-1 zone is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities.

The site is designated Industrial within the Gateway Center West and Stockton neighborhood of the Southeastern San Diego Community Plan. Gateway Center West is one of four adopted redevelopment project areas which encourages new and relocated industries that provide employment opportunities for community residents. The Industrial development in Stockton has played a major role in the history of this neighborhood as private developers have purchased this land for a variety of industrial uses. All of the surrounding parcels are in the I-1 zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit, is consistent with the community plan, and therefore will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed 3,500 square foot MMCC located at 3433 Pickwick is within an existing one-story building. The building is currently being used as a warehouse/office. The project proposes interior improvements that include a reception area, dispensary, offices, restrooms, storage and warehouse. Also minor exterior façade improvements are proposed. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted

referenced standards. Public improvements include the replacement of the existing driveway with a 20-foot wide City standard driveway, on Pickwick Street and landscaping.

The City of San Diego conducted an environmental review of this site in accordance with the California Environmental Quality Act (CEQA) guidelines. The project was determined to be categorically exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures).

MMCCs are restricted to four per Council District, 36 city-wide, within commercial and industrial zones in order to minimize the impact on the City and residential neighborhoods. MMCCs require compliance with San Diego Municipal Code (SDMC), section 141.0614 which require a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1298482 and Site Development Permit No. 1339753.

The Conditional Use Permit and Site Development Permit are valid for five years, however may be revoked if the use violates the terms, conditions, lawful requirements, or provisions of the permit.

The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area and therefore, the proposed MMCC will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The proposed 3,500 square foot building located at 3433 Pickwick Street is within an existing one-story building on a 0.11-acre site. The site is in the I-1 Zone in the Southeastern San Diego Planned District Ordinance and was developed in 1979 per Building Permit No. M64069. The building is currently being used as a warehouse/office. The project proposes interior improvements that include a reception area, dispensary, offices, restrooms, storage and warehouse. Also minor exterior façade improvements are proposed. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway with a 20-foot wide City standard driveway, on Pickwick Street and landscaping.

MMCCs are allowed in the I-1 Zone of the Southeastern San Diego Planned District Ordinance with a Conditional Use Permit (CUP) and Site Development Permit (SDP). The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented

facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed MMCC is consistent with the land use designation Industrial. The proposed MMCC meets all development regulations, no deviations are requested, and the permit as conditioned assures compliance with all the development regulations of the San Diego Municipal Code. The proposed MMCC therefore complies with the regulations of the Land Development Code.

Site Development Permit II. - Section §1519.0202

1. The proposed use and project design meet the purpose and intent of the Southeastern San Diego Planned District Ordinance, comply with the recommendations of the Southeastern San Diego Community Plan and will not adversely affect the General Plan or other applicable plans adopted by the City Council.

The proposed project is a request for a Conditional Use Permit and a Site Development Permit to operate a MMCC in a 3,500 square foot building. The 0.11-acre site is located at 3433 Pickwick Street in the I-1 Zone in the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Plan Area. The existing one-story building was constructed in 1979 per Building Permit No. M64069. The Light Industrial I-1 zone is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities.

The site is designated Industrial within the Gateway Center West and Stockton neighborhood of the Southeastern San Diego Community Plan. Gateway Center West is one of four adopted redevelopment project areas which encourages new and relocated industries that provide employment opportunities for community residents. The Industrial development in Stockton has played a major role in the history of this neighborhood as private developers have purchased this land for a variety of industrial uses. All of the surrounding parcels are in the I-1 zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit, is consistent with the community plan, general plan and therefore will not adversely affect the applicable planned district ordinance or land use plan.

2. The proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable.

The proposed 3,500 square foot MMCC located at 3433 Pickwick is within an existing one-story building. The building is currently being used as a warehouse/office. The project proposes interior improvements only that include a reception area, dispensary, offices, restrooms, storage and warehouse. Also minor exterior façade improvements are proposed. The proposed improvements will require a

ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway with a 20-foot wide City standard driveway, on Pickwick Street and landscaping. All of the surrounding parcels are in the I-1 zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit, is consistent with the community plan and will be in harmony with the surrounding neighborhood.

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1298482 and Site Development Permit No. 1339753 in order to not constitute a disruptive element to the neighborhood and community. The Conditional Use Permit and Site Development Permit are valid for five years, however may be revoked if the use violates the terms, conditions, lawful requirements, or provisions of the permit.

3. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

The proposed 3,500 square foot building located at 3433 Pickwick Street is within an existing one-story building on a 0.11-acre site. The site is in the I-1 Zone in the Southeastern San Diego Planned District Ordinance and was developed in 1979 per Building Permit No. M64069. The building is currently being used as a warehouse/office. The project proposes interior improvements that include a reception area, dispensary, offices, restrooms, storage and warehouse. Also minor exterior façade improvements are proposed. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway with a 20-foot wide City standard driveway, on Pickwick Street and landscaping.

MMCCs are allowed in the I-1 Zone of the Southeastern San Diego Planned District Ordinance with a Conditional Use Permit (CUP) and Site Development Permit (SDP). The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

4. The proposed use will comply with the relevant regulations of the Municipal Code.

The proposed MMCC is consistent with the I-1 Zone which is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities. It proposed use is consistent with the land use designation of Industrial within the Gateway Center West and Stockton neighborhood of the Southeastern San Diego Community Plan. The proposed MMCC meets all development regulations, no deviations are requested, and the permit as conditioned assures compliance with all the development regulations of the San Diego Municipal Code, therefore the proposed MMCC therefore complies with the relevant regulations of the Municipal Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 1298482 and Site Development Permit No. 1339753 are hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1298482 & 1339753, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

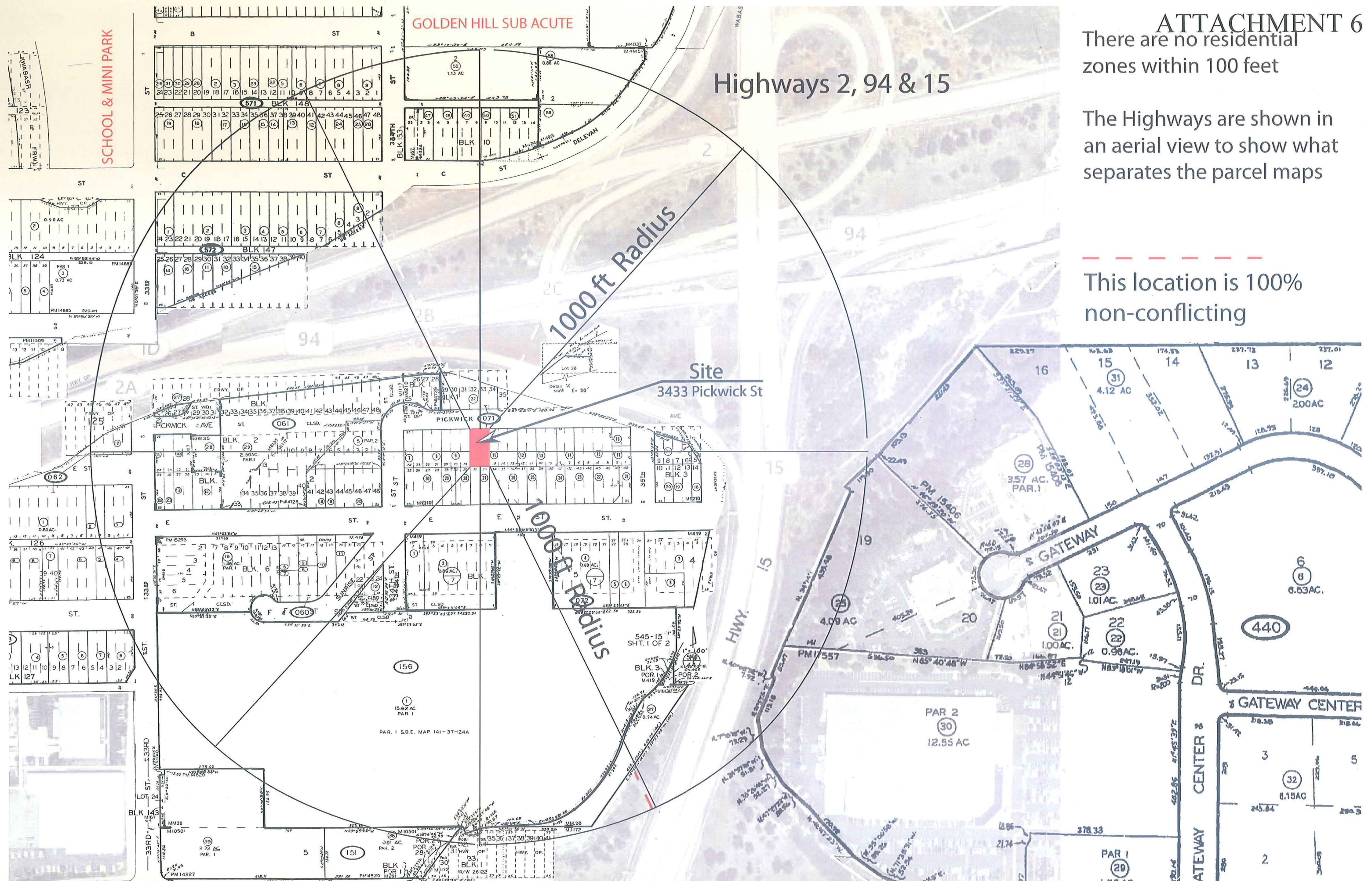
Adopted on: March 25, 2015

Job Order No. : 24004645

This location is 100% non-conflicting

There are no residential zones within 100 feet

This location is 100% non-conflicting



1000-Foot Radius Map Spreadsheet

Project Name: 3433 PICKWICK ST MMCC

Address : 3433 PICKWICK ST. SAN DIEGO, CA 92102

Date: 4/23/14

Use	Address	Assessor Parcel No.	Business Name
RETAIL STORES	650 GATEWAY CENTER DR	546-440-30-00	COSTCO
RETAIL STORES	955 GATEWAY CENTER WAY	546-440-28-00	RR DONNELLEY COMMERCIAL PRESS PLANT
MEDICAL BLDG	995 GATEWAY CENTER WAY	546-440-25-00	DAVITA SAN DIEGO
WAREHOUSE	3330 MARKET ST	545-151-39-00	SECTAN ARMORED TRUCK SERVICES
WAREHOUSE	3380 MARKET ST	545-151-38-00	PADRE JANITORIAL SUPPLIES
COMMERCIAL-VACANT LAND	MARKET ST	545-151-33-00	FRANCIS DON F & JUDITH A REVOCABLE TRUST
GOVERNMENTAL/PUBLIC	NO ADDRESS	545-151-27-00	STATE OF CALIFORNIA
SINGLE FAMILY RESIDENCE	3515 E ST	545-072-08-00	N/A
SINGLE FAMILY RESIDENCE	3517 E ST	545-072-07-00	N/A
WAREHOUSE	E ST	545-072-06-00	KUVELAS JAMES D & JACK D
WAREHOUSE	E ST	545-072-05-00	KUVELAS JAMES D & JACK D
WAREHOUSE	3475 E ST	545-072-04-00	NAVAL COATING INC
RETAIL STORES	3411 E ST	545-072-02-00	WESTERN ENVIORNMENTAL SERVICES
RETAIL STORES	3407 E ST	545-072-01-00	JATO INDUSTRIES INC
WAREHOUSE	3428 PICKWICK ST	545-071-32-00	NEON SOURCE-P O P SOURCE
AUTO REPAIR	3410 E ST	545-071-30-00	N/A
AUTO REPAIR	E ST	545-071-29-00	ORANGE CITY HOLDINGS L L C
AUTO REPAIR	3420 E ST	545-071-28-00	WESTECH METAL FABRICATION INC
WAREHOUSE	3432 E ST	545-071-27-00	MYRIAD INDUSTRIES
WAREHOUSE	3442 E ST	545-071-26-00	MYRIAD INDUSTRIES
WAREHOUSE	3454 E ST	545-071-25-00	MYRIAD INDUSTRIES
WAREHOUSE	3462 E ST	545-071-24-00	N/A
WAREHOUSE	3474 E ST	545-071-23-00	N/A
SINGLE FAMILY RESIDENCE	3488 E ST	545-071-22-00	N/A
RETAIL STORES	3496 E ST	545-071-21-00	N/A
INDUSTRIAL-VACANT LAND	35TH ST	545-071-17-00	ROSS, ARDELL V; ROSS, JOE MARIE
INDUSTRIAL-VACANT LAND	35TH ST	545-071-16-00	ROSS, ARDELL V; ROSS, JOE MARIE
INDUSTRIAL	3485 PICKWICK ST	545-071-15-00	SOS ROOTER
WAREHOUSE	3471 PICKWICK ST	545-071-14-00	WRIGHT WAY PACKAGING AND SHIPPING
WAREHOUSE	PICKWICK AVE	545-071-13-00	ROSS REVOCABLE TRUST (09-19-07)
INDUSTRIAL	3451 PICKWICK ST	545-071-12-00	VIC ROSS'S MASONRY
WAREHOUSE	3443 PICKWICK ST	545-071-11-00	DIRECTIONAL GRAPHICS
AUTO REPAIR	NO ADDRESS	545-071-09-00	875 34TH STREET LLC
AUTO REPAIR	NO ADDRESS	545-071-08-00	875 34TH STREET LLC
AUTO REPAIR	875 34TH ST	545-071-07-00	R C YOUNG ROOFING CO INC
WAREHOUSE	3287 F ST	545-063-08-00	DISH DOCTOR
RETAIL STORES	3279 F ST	545-063-07-00	APPLIANCE RECYCLING NETWORK
GOVERNMENTAL/PUBLIC	NO ADDRESS	545-062-18-00	CITY OF SAN DIEGO
MANUFACTURING	3272 F ST	545-062-06-00	RACEMATE ALTERNATORS
RETAIL STORES	3286 F ST	545-062-05-00	N/A
RESIDENTIAL-VACANT LAND	3292 F ST	545-062-04-00	N/A
GOVERNMENTAL/PUBLIC	NO ADDRESS	545-062-03-00	CITY OF SAN DIEGO
SINGLE FAMILY RESIDENCE	3277 E ST	545-062-02-00	N/A
SINGLE FAMILY RESIDENCE	3269 E ST	545-062-01-00	N/A
MANUFACTURING	3350 E ST	545-061-29-00	ST VINCENT DE PAUL VILLAGE
GOVERNMENTAL/PUBLIC	NO ADDRESS	545-061-28-00	CITY OF SAN DIEGO
SINGLE FAMILY RESIDENCE	3306 E ST	545-061-23-00	N/A
SINGLE FAMILY RESIDENCE	3304 E ST	545-061-22-00	N/A
INDUSTRIAL-VACANT LAND	3392 E ST	545-061-20-00	CARLISLE FAMILY TRUST
INDUSTRIAL-VACANT LAND	NO ADDRESS	545-061-19-00	CARLISLE FAMILY TRUST
INDUSTRIAL-VACANT LAND	NO ADDRESS	545-061-18-00	CARLISLE FAMILY TRUST
SINGLE FAMILY RESIDENCE	3326 E ST	545-061-14-00	N/A
DUPLEX	3314 E ST	545-061-13-00	N/A
GOVERNMENTAL/PUBLIC	857-65 33RD ST	545-061-11-00	CITY OF SAN DIEGO

SINGLE FAMILY RESIDENCE	3311 PICKWICK ST	545-061-10-00	N/A
RETAIL STORES	864 34TH ST	545-061-05-00	SAN DIEGO MEDICAL TRANSPORT INC
WAREHOUSE	815 33RD ST	545-060-18-00	ST VINCENT DE PAUL VILLAGE
RETAIL STORES	3385 SUNRISE ST	545-060-12-00	R & T AUTO SALES
MANUFACTURING	3386 SUNRISE ST	545-060-11-00	MOHR MANUFACTURING
SINGLE FAMILY RESIDENCE	3372 SUNRISE ST	545-060-10-00	N/A
INDUSTRIAL-VACANT LAND	E ST	545-060-09-00	G M B FARRES FAMILY PARTNERS L P
SINGLE FAMILY RESIDENCE	3364 F ST	545-060-08-00	G M B FARRES FAMILY PARTNERS L P
MANUFACTURING	3358 F ST	545-060-07-00	G M B FARRES FAMILY PARTNERS L P
MANUFACTURING	E ST	545-060-06-00	G M B FARRES FAMILY PARTNERS L P
WAREHOUSE	1220 DELEVAN DR	540-590-71-00	JDL MOTOR EXPRESS
RETAIL STORES	1130 DELEVAN DR	540-590-59-00	WEST PRO PLUMBING
WAREHOUSE	1144 DELEVAN DR	540-590-58-00	DRIVING UNLIMITED INTERNATIONAL
HOMES	1201 34TH ST	540-590-53-00	GOLDEN HILL NURSING HOME
MULTI-FAMILY DWELLINGS	1195 34TH ST	540-590-52-00	N/A
SINGLE FAMILY RESIDENCE	3450 C ST	540-590-51-00	N/A
SINGLE FAMILY RESIDENCE	3438 C ST	540-590-50-00	N/A
SINGLE FAMILY RESIDENCE	3430 C ST	540-590-49-00	N/A
SINGLE FAMILY RESIDENCE	3420 C ST	540-590-48-00	N/A
MULTI-FAMILY DWELLINGS	1119TH 34TH ST	540-590-47-00	N/A
MULTI-FAMILY DWELLINGS	1007 33RD ST	539-572-16-00	N/A
MULTI-FAMILY DWELLINGS	1017 33RD ST	539-572-15-00	N/A
MULTI-FAMILY DWELLINGS	1005 33RD ST	539-572-14-00	N/A
SINGLE FAMILY RESIDENCE	3320 BROADWAY	539-572-11-00	N/A
IMPROVED, USE NOT SPECIFIED	1015 33RD ST	539-572-10-00	N/A
DUPLEX	3389 C ST	539-572-09-00	N/A
MULTI-FAMILY DWELLINGS	3373 C ST	539-572-08-00	N/A
SINGLE FAMILY RESIDENCE	3369 C ST	539-572-07-00	N/A
MULTI-FAMILY DWELLINGS	3363 C ST	539-572-06-00	N/A
MULTI-FAMILY DWELLINGS	3353 C ST	539-572-05-00	N/A
MULTI-FAMILY DWELLINGS	3341 C ST	539-572-04-00	N/A
MULTI-FAMILY DWELLINGS	3335 C ST	539-572-03-00	N/A
MULTI-FAMILY DWELLINGS	3329 C ST	539-572-02-00	N/A
MULTI-FAMILY DWELLINGS	1025 33RD ST	539-572-01-00	N/A
SINGLE FAMILY RESIDENCE	3392 C ST	539-571-25-00	N/A
SINGLE FAMILY RESIDENCE	3380 C ST	539-571-24-00	N/A
SINGLE FAMILY RESIDENCE	3339 B ST	539-571-23-00	N/A
DUPLEX	3347 B ST	539-571-22-00	N/A
SINGLE FAMILY RESIDENCE	1120 34TH ST	539-571-20-00	N/A
MULTI-FAMILY DWELLINGS	1103 33RD ST	539-571-19-00	N/A
SINGLE FAMILY RESIDENCE	3320 C ST	539-571-18-00	N/A
SINGLE FAMILY RESIDENCE	3334 C ST	539-571-17-00	N/A
SINGLE FAMILY RESIDENCE	3338 C ST	539-571-16-00	N/A
MULTI-FAMILY DWELLINGS	3344 C ST	539-571-15-00	N/A
DUPLEX	3348 C ST	539-571-14-00	N/A
MULTI-FAMILY DWELLINGS	3362 C ST	539-571-13-00	N/A
SINGLE FAMILY RESIDENCE	3368 C ST	539-571-12-00	N/A
SINGLE FAMILY RESIDENCE	3385 B ST	539-571-09-00	N/A
SINGLE FAMILY RESIDENCE	3377 B ST	539-571-08-00	N/A
SINGLE FAMILY RESIDENCE	3367 B ST	539-571-07-00	N/A
SINGLE FAMILY RESIDENCE	3365 B ST	539-571-06-00	N/A
MULTI-FAMILY DWELLINGS	3359 B ST	539-571-05-00	N/A
MULTI-FAMILY DWELLINGS	1010 33RD ST	539-563-03-00	N/A
MULTI-FAMILY DWELLINGS	3265 C ST	539-563-02-00	N/A



THE CITY OF SAN DIEGO

Date of Notice: September 24, 2014

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24004645

PROJECT NAME/NUMBER: 3433 Pickwick Street MMCC/368351
COMMUNITY PLAN AREA: Southeastern San Diego Community Plan
COUNCIL DISTRICT: 8
LOCATION: The project is located at 3433 Pickwick Street, San Diego, CA 92102

PROJECT DESCRIPTION: The proposed project is a request for a Conditional Use Permit (CUP) for a Medical Marijuana Consumer Cooperative (MMCC). The facility is proposing to operate within an existing 3,500 square foot building located at 3433 Pickwick Street on a 0.11-acre site located within the Southeastern San Diego Community Plan Area; the site is designated for Industrial use. The project site is zoned I-1 within the Southeastern San Diego Planned District Ordinance and located within the Airport Influence Area for SDIA and the Part 77 Noticing Area.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Designated Staff

ENVIRONMENTAL DETERMINATION: CEQA Exemption 15303 (New Construction or Conversion of Small Structures)

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15303 which allows for the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The exceptions listed in CEQA Section 15300.2 would not apply.

DEVELOPMENT PROJECT MANAGER: Edith Gutierrez
MAILING ADDRESS: 1222 First Avenue, MS 501
San Diego, CA 92101
PHONE NUMBER: (619) 446-5147

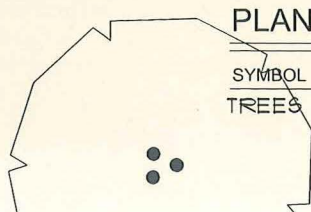
On September 24, 2014, the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is

appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.


Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (October 8, 2014). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.


REVISIONS	DATE




TREES







SHRUBS

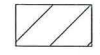


GROUND COVER




BOULDERS


SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY	SPACING
	LAGERSTROEMIA INDICA	WATERMELON RED	24" BOX STANDARD TRUNK	1	
	AGAVE	BLUE GLOW	5 GALLON		PER PLANS
	MUHLENBERGIA CAPILLARIS	'REGAL MIST' PINK MUHLY	5 GALLON	16	2' O.C.
	FESTUCA GLAUCA	'ELIJAH BLUE' ELIJAH BLUE FESCUE	5 GALLON	13	10" O.C.




DECOMPOSED GRANITE 3" MINIMUM DEPTH



LARGE 3' X 3' X 2'

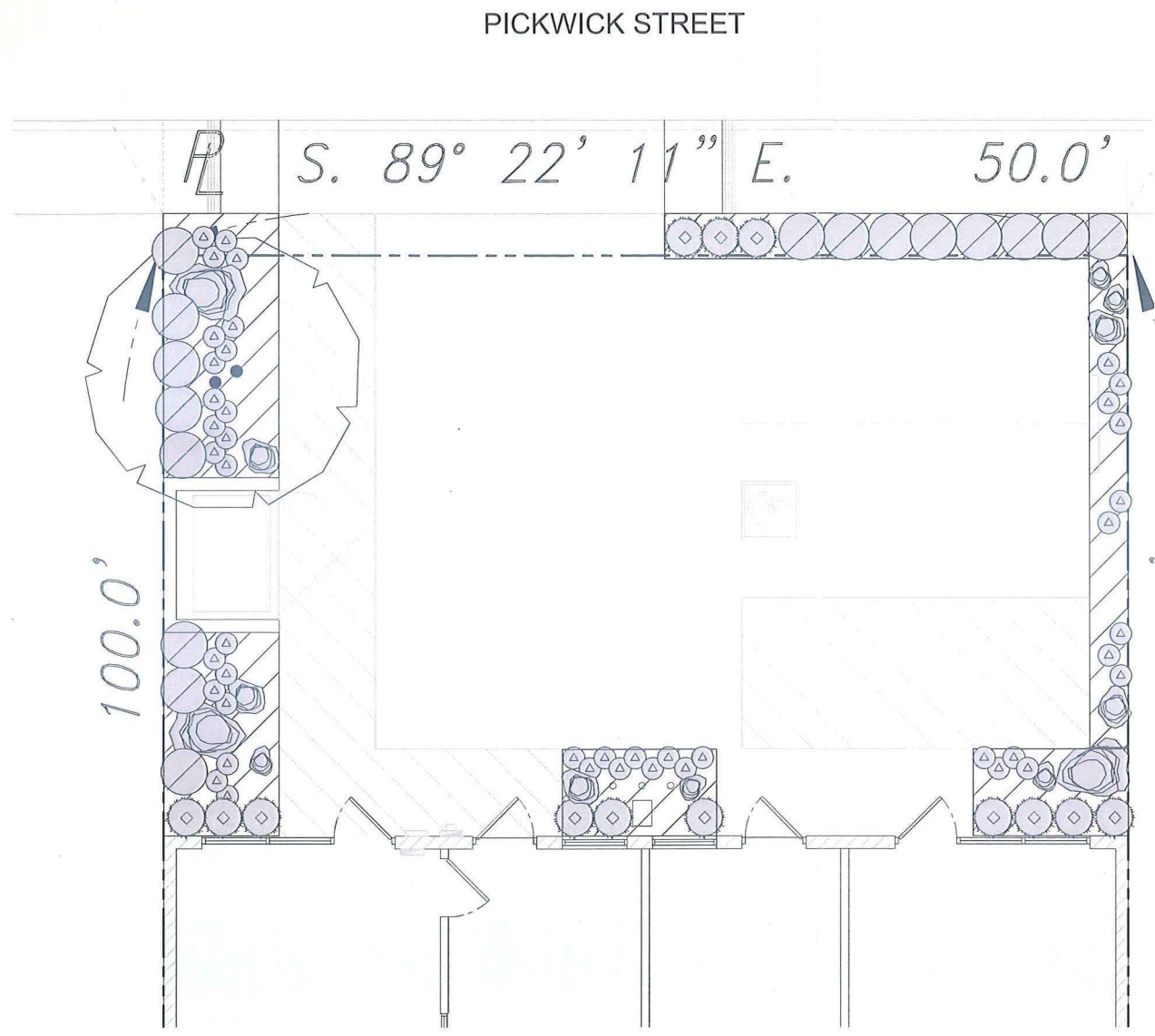


MEDIUM 2' X 2' X 1'



SMALL 1' X 1' 6"

- PLANTING NOTES:
- CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL UTILITIES, IMPROVEMENTS IF DISCREPANCIES OCCUR, OR IF CONFLICTS ARE ENCOUNTERED, NOTIFY XXXXXX. NECESSARY ADJUSTMENTS SHALL BE MADE ONLY UPON THE APPROVAL OF THE XXXXX.
 - PLANTING AREAS WITH SLOPES LESS THAN 2:1 SHALL RECEIVE A 3" DEEP (MINIMUM) LAYER OF AGGREGATE MULCH. ALL PLANTING AREAS WITH SLOPES 2:1 OR GREATER SHALL RECEIVE EROSION CONTROL NETTING AND PLANT MATERIALS. LARGER AGGREGATE COBBLE (4" TO 6" DIAMETER) OR AS INDICATED ON PLAN. ALL EXPOSED SOIL AREAS (WITHOUT VEGETATION) SHALL ALSO BE MULCHED TO THE SAME MINIMUM DEPTH.
 - FINISHED GRADE OF ALL PLANTER AREAS SHALL BE SLOPED TO DRAIN (COORDINATE WITH CIVIL DRAWINGS).
 - ROOT CONTROL BARRIERS SHALL BE REQUIRED AT ALL TREES THAT ARE WITHIN 8' OF HARDSCAPE. ROOT CONTROL BARRIERS SHALL BE PLACED ADJACENT TO THE HARDSCAPE, CURBS, WALLS, OR OTHER IMPROVEMENTS (DO NOT ENCIRCLE TREE) PER MANUFACTURER'S RECOMMENDATIONS.
 - ALL PLANTING (INCLUDING THE PARKWAY LANDSCAPE) SHALL BE MAINTAINED BY THE CONTRACTOR FOR XXX CALENDAR DAYS. LANDSCAPE AREAS SHALL BE FREE OF DEBRIS AND LITTER. ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE CONTRACT.
 - SEE LANDSCAPE CONSTRUCTION PLAN FOR HARDSCAPING LAYOUT, DIMENSIONING, LABELS, OTHER SITE AMENITIES, ETC. SEE CIVIL PLANS FOR ADDITIONAL INFORMATION.
 - VERIFY LOCATION OF ALL UNDERGROUND UTILITIES AND GROUNDING SYSTEMS PRIOR TO CONSTRUCTION.



PLANTING PLAN
SCALE: 1/4" = 1'

Proposed Commercial Services
Consumer Cooperative
3433 PICKWICK STREET
SAN DIEGO, CALIFORNIA 92102

Date	08/28/2014
Scale	AS NOTED
Drawn	SP/JC
Job	3990HIC
Sheet	

SITE PLAN SUMMARY NOTES:

PROJECT ADDRESS: 3433 PICKWICK STREET, SAN DIEGO, CA
PROJECT TEAM: Paul Britvar (510) 618-1146, Nicole Britvar (516) 426-7519
LEGAL: LOT 16411, BLK 2, CITY OF SAN DIEGO, SUBDIV. ORANGE PARK 001210
APN: 545-071-10-00
OWNER: KYM M HUANG, 1559 WANNACUT PL., SAN DIEGO, CA 92131
CONSTRUCTION TYPE: V-B (Concrete Block/CMU with Wood Framing)
OCCUPANCY CLASSIFICATION: B/F2
ZONE: SESPFD-1-1
GROSS SITE AREA: 5,001 sq ft.
FLOOR AREA (BUILDING): 3,500 sq ft.
EXISTING USE: B / WAREHOUSE
PROPOSED USE: M / B (COMMERCIAL SERVICE / OFFICE)
YEAR CONSTRUCTED: 1980
GEOLOGIC HAZARD CATEGORY: 52
LANDSCAPE AREA: N/A PER PARCEL
SHEET CONTENT: A) Site Plan Summary B) Vicinity Map C) SITE PLAN D) Floor Plans

Applying for a Conditional Use Permit.

Existing building to be used for a proposed Medical Marijuana Consumer Cooperative.
Site to remain as is. Structure to remain unchanged.
Proposing the Use to be changed from Manufacturing to Retail.
Property lines to remain unchanged.
No proposed deviations.
No proposed improvements or developments.
No proposed deviations to setbacks, building height, or FAR.
Scope of work to include:

- 1) Exterior lighting for the immediate surrounding area as required. Lighting shall be oriented to deflect light away from adjacent properties.
 - 2) Interior lighting as required
 - 3) Security: Security guard, operable cameras, and alarms as required.
 - 4) Exterior business sign posted will be limited to two colors.
- Hours of Operations: 1:00AM to 9:00PM, seven days a week.

No changes in grade.

No environmentally sensitive land or change in drainage pattern.
No proposed street improvements, bus stops, or easements.
Not dangerous or a hazard to the community or public safety.
Not a hazard to the environment.

Will increase traffic flow to help existing businesses in the area grow profits yet proposed building of operation has sufficient parking with inclusion of owner's adjacent parcel.

EXTERIOR ELEVATIONS: N/A for building - No proposed exterior modifications.

HISTORICAL RESOURCES INFORMATION: N/A for building.

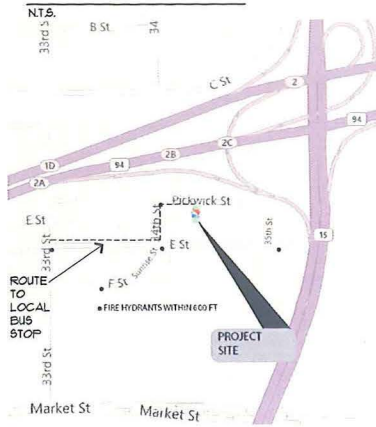
LANDSCAPE DEVELOPMENT PACKAGE: N/A for building.

OTHER TECHNICAL STUDIES: N/A for building.

GENERAL NOTES:

1. ALL SIGNAGE WILL BE LIMITED TO TWO TYPEFACES AND TWO COLORS - POLE SIGNS ARE PROHIBITED. NO SIGN SHALL PROTRUDE ABOVE THE PARAPET/TOP OF BUILDING. GROUND MOUNTED SIGNS SHALL NOT EXCEED 5 FT. IN HEIGHT.
2. SITE USES NOW AND IN FUTURE MAY BE ANY USE PERMITTED IN THE IS-11 ZONE ONLY.
3. CONSULTATIONS BY MEDICAL PROFESSIONALS SHALL NOT BE A PERMITTED ACCESSORY USE AT THE MEDICAL MARIJUANA CONSUMER COOPERATIVE.
4. SIGNS SHALL BE POSTED ON THE OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE AND SHALL ONLY CONTAIN THE NAME OF THE BUSINESS (LIMITED TO TWO COLORS).
5. SDMG HURMA STATES THAT THE NAME AND EMERGENCY CONTACT PHONE NUMBER OF AN OPERATOR OR MANAGER SHALL BE POSTED IN A LOCATION VISIBLE FROM OUTSIDE OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE IN CHARACTER SIZE AT LEAST TWO INCHES IN HEIGHT.
6. USE OF VENDING MACHINES WHICH ALLOW ACCESS TO MEDICAL MARIJUANA EXCEPT BY A RESPONSIBLE PERSON, AS DEFINED IN SAN DIEGO MUNICIPAL CODE SECTION 43500, IS PROHIBITED. FOR PURPOSES OF THIS SECTION, A VENDING MACHINE IS ANY DEVICE WHICH ALLOWS ACCESS TO MEDICAL MARIJUANA WITHOUT A HUMAN INTERMEDIARY.
7. LIGHTING SHALL BE PROVIDED TO ILLUMINATE THE INTERIOR OF THE MEDICAL MARIJUANA CONSUMER COOPERATIVE, FACADE, AND THE IMMEDIATE SURROUNDING AREA, INCLUDING ANY ACCESSORY USES, PARKING LOTS, AND ADJOINING SIDEWALKS. LIGHTING SHALL BE HOODED OR ORIENTED SO AS TO DEFLECT LIGHT AWAY FROM ADJACENT PROPERTIES.
8. THIS CONDITIONAL USE PERMIT AND CORRESPONDING USE OF THIS SITE SHALL EXPIRE FIVE YEARS FROM THE DATE OF ISSUANCE OF THIS PERMIT. UPON EXPIRATION OF THIS PERMIT, THE FACILITIES AND IMPROVEMENTS DESCRIBED HEREIN SHALL BE REMOVED FROM THIS SITE AND THE PROPERTY SHALL BE RESTORED TO ITS ORIGINAL CONDITION PRECEDING APPROVAL OF THIS PERMIT.
9. SDMG HURMA STATES THAT SECURITY SHALL BE PROVIDED, WHICH SHALL INCLUDE OPERABLE CAMERAS, ALARMS AND A SECURITY GUARD. THE SECURITY GUARD SHALL BE LICENSED BY THE STATE OF CALIFORNIA AND SHALL BE PRESENT AT THE SITE DURING ALL BUSINESS HOURS. THE SECURITY GUARD SHALL ONLY BE ENGAGED IN ACTIVITIES RELATED TO PROVIDING SECURITY FOR THE FACILITY, EXCEPT ON AN INCIDENTAL BASIS.

VICINITY MAP:



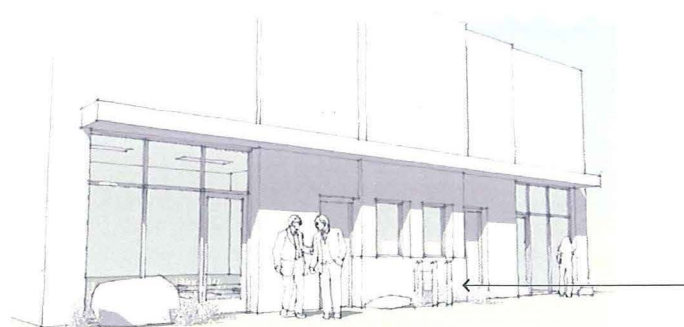
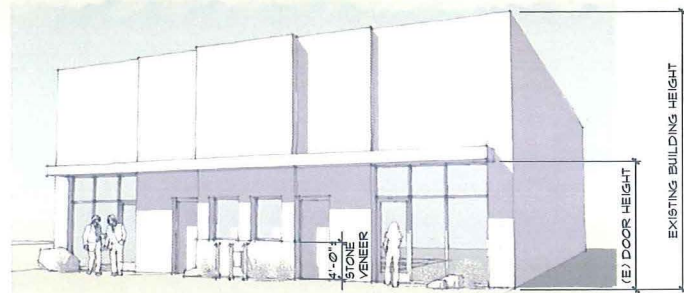
PLAN SPECIFIC NOTES:

- 1 FULLY ACCESSIBLE PRIMARY ENTRANCE AS INDICATED.
- 2 HEAVY DASHED LINE INDICATES EXISTING FULLY ACCESSIBLE PATH OF TRAVEL TO REMAIN.
- 3 FULLY ACCESSIBLE PARKING AND SIGNAGE PER CODE
- 4 EXISTING FULLY ACCESSIBLE CONCRETE WALK TO REMAIN.
- 5 EXISTING TENANT SPACE/PARCEL NOT IN THIS CONTRACT.
- 6 PROPERTY LINE AS INDICATED
- 7 CUSTOMER PARKING AREA
- 8 EXISTING PUBLIC SIDEWALK TO REMAIN
- 9 TRASH & RECYCLE RECEPTACLES LOCATION AS INDICATED (SCREENED)
- 10 LOADING AREA
- 11 EXISTING DRIVEWAY/PARKING ENTRANCE TO BE RE-WORKED - CONCRETE DRIVE AS INDICATED, NEW LANDSCAPE DRIVEABLE PAVERS AS NOTED
- 12 EXISTING SOLID FENCE TO REMAIN
- 13 NEW FULLY ACCESSIBLE TOILET ROOM (1 - MEN & 1 - WOMEN)
- 14 EXISTING ROLL UP LOADING DOOR TO BE REMOVED AND REPLACED WITH AL GLASS STOREFRONT WINDOW WALL SYSTEM AS INDICATED
- 15 NEW STRIPING AS INDICATED
- 16 NEW WHEEL STOP AS INDICATED
- 17 EXISTING STREET FENCING SHALL BE REMOVED
- 18 EXISTING SHADE CANOPY, POST AND ALL ASSOCIATED PIECES TO BE FULLY REMOVED
- 19 NEW 6'-0" HIGH CHJ TRASH ENCLOSURE WITH SLATTED W/ SCREENING GATE
- 20 NEW NATIVE LANDSCAPING, LANDSCAPE BOULDERS & DECOMPOSED GRANITE BASE AS INDICATED WITH FULL AUTOMATIC DRIP SYSTEM
- 21 SKYLIGHT ABOVE TO REMAIN (MAN BARS INSTALLED AS REQUIRED FOR SECURITY)

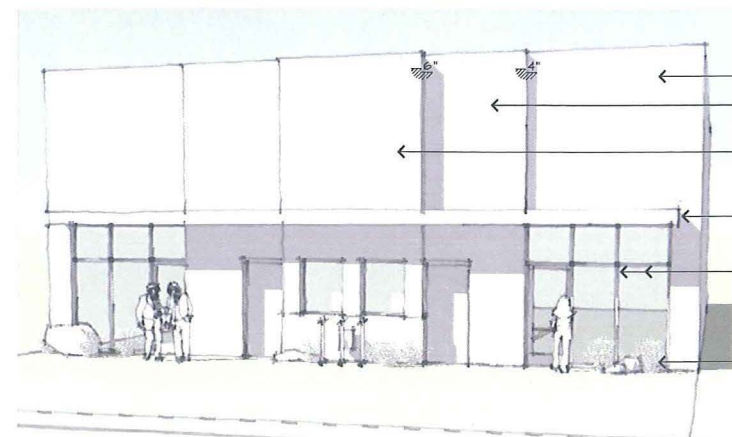
REVISIONS DATE

PROPOSED RETAIL SPACE
3433 PICKWICK STREET
SAN DIEGO, CALIFORNIA 92102

Date: 05/14/2014
Scale: AS NOTED
Drawn: SP/UC
Job: 399011C
Sheet:



NEW STACKED STONE VENEER OVER NEW FRAMING - COLOR TO ACCENT NEW COLORS ABOVE (TYP)

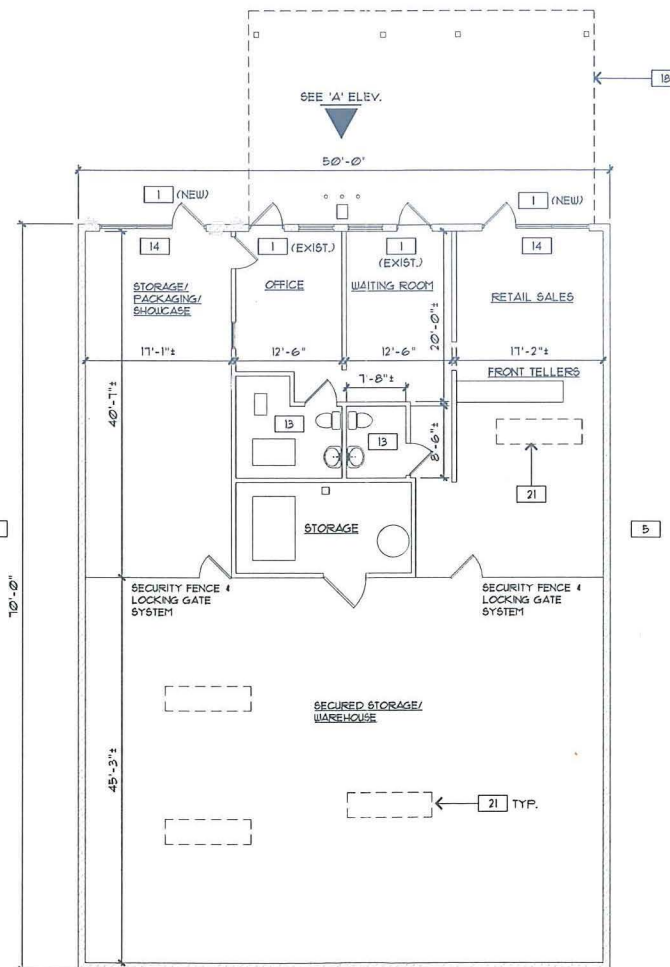


EXISTING CMU TO REMAIN (TYP)
NEW FRAMING W/ STUCCO FINISH (ACCENT COLOR TO BE DETERMINED)
NEW FRAMING W/ STUCCO FINISH (ACCENT COLOR TO BE DETERMINED)
NEW FRAMED OVERHANG AS INDICATED - COLOR TO BE NATURAL FINISH OR T.B.D.
NEW STOREFRONT GLASS WALL SYSTEM (REPLACES EXISTING ROLLUP DOORS). CLEAR GLASS WITH UV TINT, FRAME TO MATCH OVERHANG (TYP)
NEW LARGE ROCKS OR SMALL BOULDERS & NEW CITY APPROVED LANDSCAPING (TYP)

PROPOSED FRONT EXTERIOR ELEVATIONS

SCALE: Not To Scale

A



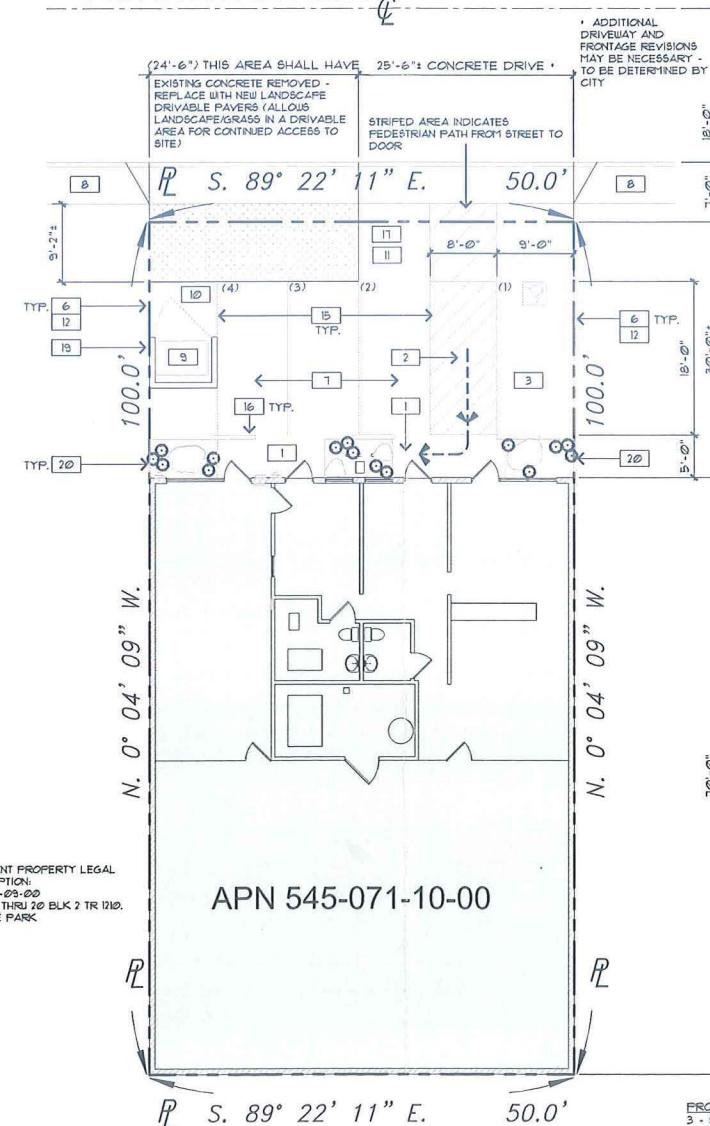
EXISTING FLOOR PLAN

FLOOR PLANS (For Reference Only)

SCALE: 1/8" = 1'-0"

PLAN N

PICKWICK STREET



APN 545-071-10-00

PROPOSED PARKING:
3 - STANDARD STALLS
1 - ADA COMPLIANT PARKING STALL (WITH SIGNAGE)

SITE PLAN (For Reference Only)

SCALE: 1" = 10'

PLAN N



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

Community Planning Committee Distribution Form Part 2

Project Name: 3433 Pickwick St MMCC		Project Number: 368351		Distribution Date:	
Project Scope/Location: 3433 Pickwick St Medical Marijuana Consumer Cooperative (MMCC), in Gateway Center West, Stockton Neighborhood, Project No. 368351; Application for Conditional Use Permit (CUP) and Site Development Permit (SDP); 3,500SF existing building in an I-1 zone. NORA was appealed on Oct. 15, 2014; JZthe Appeal was rejected.					
Applicant Name:				Applicant Phone Number:	
Project Manager: Edith Gutierrez		Phone Number: 446-5147		Fax Number: (619) 321-3200	
E-mail Address: egutierrez@sandiego.gov					
Committee Recommendations (To be completed for Initial Review):					
<input type="checkbox"/> Vote to Approve		Members Yes		Members No	
<input type="checkbox"/> Vote to Approve With Conditions Listed Below		Members Yes		Members No	
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below		Members Yes		Members No	
<input checked="" type="checkbox"/> Vote to Deny		Members Yes 6		Members No 3	
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)				<input type="checkbox"/> Continued	
CONDITIONS: Many traffic issues on that street, e.i., congestion, no sidewalks, lack of lighting.					
NAME: Maria Riveroll, EA				TITLE: Chair	
SIGNATURE:				DATE: 7/6/15	
Attach Additional Pages If Necessary.		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101			
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.					



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☒ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☐ Other _____

Project Title

3433 PICKWICK ST MMCC

Project No. For City Use Only

368351

Project Address:

3433 PICKWICK ST. SAN DIEGO, CA 92102

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☒ No

Name of Individual (type or print):

KYU M HWANG (HWANG FAMILY TRUST)

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

11559 WANNACUT PL

City/State/Zip:

SAN DIEGO, CA 92131

Phone No:

(858)583-6432

Fax No:

Signature:

Kyu M Hwang

Date:

4/23/14

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

KUM SOOK HWANG (HWANG FAMILY TRUST)

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

11559 WANNACUT PL

City/State/Zip:

SAN DIEGO, CA 92131

Phone No:

(858)583-6432

Fax No:

Signature:

Kum Sook Hwang

Date:

4/23/14

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:



SDPD CPTED REVIEW OF 3433 PICKWICK STREET MMCC

Date: July 11, 2014
To: Edith Gutierrez
From: Ted Parker, SDPD Neighborhood Policing Resource Team
DSPN: 368351
Discipline: Crime Prevention through Environmental Design (CPTED)
Reviewer: Ted Parker, SDPD Neighborhood Policing Resource Team

On June 9, 2014 I sent a CPTED review of an earlier plan for this building to Nicole Britvar of the Project Team. She needed it when this project was presented to the Southeastern San Diego Planning Group. The following suggestions in that review are still relevant. A few new ones are added at the end.

Alarms

The SDMC Sec. 141.0614(d) requires alarms but does not say what kind. Both burglar and holdup alarms should be installed. The latter is a silent panic button that an employee would push in the event of a holdup. It would signal the alarm company to call **911** and not call back to confirm the alarm. The former should include sensors on all doors and other entry points, including any that might be on the roof. These alarms should have batteries for backup power.

The telephone line that sends the alarm signal to the alarm company should be hardened so it cannot be cut or if it is cut, the system would generate an alarm at the alarm company. If the telephone line is in a box on the outside of the building, the box should be metal and locked with a hidden-shackle or shielded padlock. Alternatively, the alarm system should have a wireless backup that would send the alarm if the telephone wire is cut.

Install sensors on the walls that would detect any attempts to drill through the walls from an adjoining building. Also install sensors on the ceiling to detect any attempts to drill through the roof. Note that the parapet shields anyone on the roof from being seen from the street.

Cameras

The SDMC Sec. 141.0614(d) requires cameras but does not say what kind or where they should be installed. Cameras can be wired or wireless. They can record continually, when motion is detected, at specified times, or on an alarm. After a crime occurs the imagery can be reviewed for usable evidence. Any camera system that is installed should be designed to provide high-quality, digital imagery of suspicious persons and activities for use by the SDPD in investigating crimes. They should cover all building entrances, the transaction areas, marijuana storage rooms, and the parking lot 24/7. Their records should be kept for at least 30 days in a secure container.

The existence of cameras helps to deter crime but not to stop a crime in progress. Video analytics or intelligent video software is now available to analyze camera imagery for unusual or suspicious activity as it is occurring. The software will alert personnel who have monitors, but would not be watching them

continually, that a parameter or alarm condition has occurred. The monitoring could be done on the premises or at a security company office. (In the latter case a secure, password-protected Internet link should be provided to transmit the imagery. And if Internet Protocol (IP) cameras are used, they should have built-in servers.) Imagery can also be seen on web-enabled mobile devices. **911** would be called if a crime is observed. Officers might even arrive in time to catch the perpetrators.

Another way to get a fast response is by partnering with the SDPD in Operation Secure San Diego. In it you would give the SDPD access your cameras so when a **911** call reports a holdup, real-time streaming video would be sent to SDPD patrol cars that have been dispatched to answer the call. This will enable officers en route to the scene to make better, more-informed tactical decisions and determine whether additional officers and emergency services are required. You can contact the CRO in the SDPD's Central Division at **(619) 744-9514** about this.

Signs regarding cameras should be posted to deter criminal activities. But if the cameras aren't monitored all the time, words like SECURITY, PROTECTED, or MONITORING should not be used. They can give people a false sense of security by expecting timely help if they are threatened or attacked, or that they and their property are somehow being protected by the cameras. And if a person is attacked and not protected, he or she might file a lawsuit against the property owner.

Electric Power

Because lights and security systems work on electric power it is important that measures be taken to prevent its disruption and provide a source of backup power in the event of a power failure. Exterior circuit breakers should be installed in sturdy metal boxes that are locked with hidden-shackle or shielded padlocks.

Lighting

The parking lot and the front of the building should be well lighted from sunset to sunrise.

Single Doors

These should have single-cylinder deadbolts that are separate from any lever-arm, push-bar, or press-bar locks. The deadbolts should have a throw of at least one inch, be key-operated on the outside, and have a thumb turn on the inside. They can only be used when the building is unoccupied because their use for emergency egress requires special knowledge. When a deadbolt is installed a sign must be posted on or adjacent to the door saying THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED per *California Fire Code* Sec. 1008.1.9.3. Deadbolts can also be used on interior doors to offices and storage rooms. The door should be made of metal and have a metal frame or a steel reinforcing device mounted on the lock side of the frame that extends at least 2 feet above and below the strike plate.

Windows

These should be made of a burglar-resistant material that meets Underwriters Laboratories (UL) 972 standards. These materials look like safety glass but will not shatter easily, even after repeated blows. The following materials can be used:

- **Laminated glass** is made with a vinyl or plastic inter-layer sandwiched between two layers of glass. This type of glass adds additional strength to your windows. To gain entry a burglar would have to strike the glass repeatedly in the same spot in order to make a small opening. Most burglars are reluctant to create this type of noise for fear of being detected.

- **Tempered glass** is made by placing a piece of regular glass in an oven, bringing it almost to the melting point, and then chilling it rapidly. This causes a skin to form around the glass. Fully tempered glass is four to five times stronger than regular glass.
- **Wired glass** adds the benefit of a visible deterrent. Extra effort will be needed to break the glass and then cut through the wire located within the glass in order to gain entry.
- **Plastic acrylics** are more than ten times stronger than glass of the same thickness and are commonly called Plexiglas.
- **Polycarbonate** sheets are superior to acrylics and are advertised as 250 times more impact resistant than safety glass, and 20 more times than other transparent plastic.

Glass with a security film attached to the inside can also be burglar-resistant. It requires repeated blows to break through, which take time and make noise. A burglar faced with this task might give up and go away or look for another way or place to break in.

Other ways to secure the building are with a folding security gate or a roll-down security shutter, and bollards that prevent a vehicle from driving in.

Employee Protection

Where the threat of armed robbery is serious, install a bullet-resistant glass, plastic, or laminate shield with a sliding transaction window at the front counter to protect employees. And arm the security guard.

New Suggestions

The large rocks or small boulders in the new native landscaping in the front of the building should be permanently emplaced to prevent them from being used to smash the windows.

The enclosure for the trash and recycle receptacles should be locked except when the receptacles are being filled or emptied. This is to prevent scavenging. The enclosure should also have a sign saying that unauthorized collection of refuse or recyclable material is prohibited in SDMC Sec. 66.0402.

 THE CITY OF SAN DIEGO	City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101	Development Permit/ Environmental Determination Appeal Application	FORM DS-3031 OCTOBER 2012
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See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission
☒ Process Three Decision - Appeal to Planning Commission
☐ Process Four Decision - Appeal to City Council
- ☐ Environmental Determination - Appeal to City Council
☐ Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one ☐ Applicant ☐ Officially recognized Planning Committee ☒ "Interested Person" (Per M.C. Sec. 113.0103)

Name: Jay Davis Address: 12707 High Bluff Drive	City: San Diego	State: CA	Zip Code: 92130	E-mail Address: info@nhawkpi.com Telephone: (858) 436-5286
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3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

3433 PICKWICK STREET MMCC - PROJECT NO. 368351

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
CUP No. 1298482	March 25, 2015	Edith Gutierrez

Decision (describe the permit/approval decision):

Conditional approval by the Hearing Officer.

5. Grounds for Appeal (Please check all that apply)

- ☐ Factual Error
☐ Conflict with other matters
☒ Findings Not Supported
- ☐ New Information
☐ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

§126.0305 Finding (b) "The proposed development will not be detrimental to the public health, safety, and welfare" is not supported.

This project will expose the public to loitering, marijuana smoking at the premises and hash oil explosions.

RECEIVED

MAR 25 2015

DEVELOPMENT SERVICES

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:  Date: 3-25-15

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.

Upon request, this information is available in alternative formats for persons with disabilities.

 The City of San Diego	City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101	<h2 style="margin: 0;">Development Permit/ Environmental Determination Appeal Application</h2>	FORM DS-3031 OCTOBER 2012
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See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

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☐ Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one ☐ Applicant ☐ Officially recognized Planning Committee ☒ "Interested Person" (Per M.C. Sec. 113.0103)

Name: Donna D. Jones on behalf of Med Box

E-mail Address: diones@sheppardmullin.com

Address: 501 W. Broadway, 19th Floor

City: San Diego

State: CA Zip Code: 92101 Telephone: (619) 338-6500

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

3433 Pickwick Street MMCC - Project No. 368351.

4. Project Information

Permit/Environmental Determination & Permit/Document No.:

Date of Decision/Determination:

City Project Manager:

Conditional Use Permit 1298482.

March 25, 2015

Edith Gutierrez

Decision (describe the permit/approval decision):

Hearing Officer approval of conditional use permit.

5. Grounds for Appeal (Please check all that apply)

- ☒ Factual Error
☒ Conflict with other matters
☒ Findings Not Supported
- ☒ New Information
☐ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

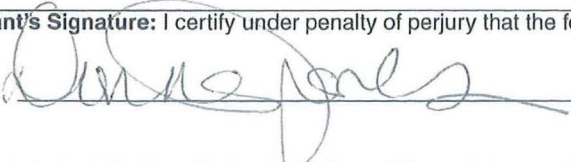
1. Factual Error. The Hearing Officer's determination was based on factual error.

2. Conflict with Other Matters. The Hearing Officer's decision to approve the CUP is in conflict with the Municipal Code and/or a City Council policy.

3. Finding Not Supported. The finding that this Applicant's proposed project location is appropriate for the proposed use is unsupported.

4. New Information. There is new information which was not considered by DSD Staff or the Hearing Officer.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: 

Date: April 1, 2015

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004645

CONDITIONAL USE PERMIT NO. 1298482 AND
SITE DEVELOPMENT PERMIT NO. 1339753
3433 PICKWICK STREET MMCC - PROJECT NO. 368351
PLANNING COMMISSION

This Conditional Use Permit No. 1298482 and Site Development Permit No. 1339753 are granted by the Planning Commission of the City of San Diego to KYU M. HWANG AND KUM S. HWANG, Owners and DOUGLAS MCCRADY, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305 & 126.0504. The 0.11-acre site is located at 3433 Pickwick Street is in the I-1 Zone in the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Plan Area. The project site is legally described as: Lots 16 & 17, Block 2 of Orange Park, Map No. 1210, September 25, 1909.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a Medical Marijuana Consumer Cooperative (MMCC) and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 28, 2015, on file in the Development Services Department.

The project shall include:

- a. Operation of a Medical Marijuana Consumer Cooperative (MMCC) within an existing 3,500 square foot building on a 0.11- acre site;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Existing off-street parking;
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in

accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by May 28, 2018.
2. This Conditional Use Permit [CUP] and corresponding use of this MMCC shall expire on May 28, 2020.
3. In addition to the provisions of the law, the MMCC must comply with; Chapter 4, Article 2, Division 15 and Chapter 14, Article 1, Division 6 of the San Diego Municipal Code.
4. No construction, occupancy, or operation of any facility or improvement described herein shall commence, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department.
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
 - c. A MMCC Permit issued by the Development Services Department is approved for all responsible persons in accordance with SDMC, Section 42.1504.
5. While this Permit is in effect, the MMCC shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
6. This Permit is a covenant running with the MMCC and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies

including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

10. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

11. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

12. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

PLANNING/DESIGN REQUIREMENTS:

13. The use within the 3,500 square foot building shall be limited to the MMCC and any use permitted in the I-1 Zone.
14. Consultations by medical professionals shall not be a permitted accessory use at the MMCC.
15. Lighting shall be provided to illuminate the interior of the MMCC, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Security shall include operable cameras and a metal detector to the satisfaction of the Development Services Department, alarms, and an armed security guard to the extent the possession of a firearm by the security guard is not in conflict with 18 U.S.C. § 922(g) and 27 C.F.R. § 478.11. Nothing herein shall be interpreted to require or allow a violation of federal firearms laws. The security guard shall be licensed by the State of California and be on the premises during business hours. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis. The cameras shall have and use a recording device that maintains the records for a minimum of 30 days.
17. The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the MMCC in character size at least two inches in height.
18. The MMCC shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
19. The use of vending machines which allow access to medical marijuana except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this section and condition, a vending machine is any device which allows access to medical marijuana without a human intermediary.
20. The Owner/Permittee or operator shall maintain the MMCC, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. Graffiti shall be removed within 24 hours.
21. Medical marijuana shall not be consumed anywhere within the 0.11-acre site.
22. The Owner/Permittee or operator shall post anti-loitering signs near all entrances of the MMCC.
23. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations and shall further be restricted by this permit. Sign colors and typefaces are limited to two. Ground signs shall not be pole signs. A sign is required to be posted on the outside of the MMCC and shall only contain the name of the business.

ENGINEERING REQUIREMENTS:

24. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveway with a 20-foot wide City standard driveway, on Pickwick Street, per Standard Drawing SDG-162, satisfactory to the City Engineer.

LANDSCAPING REQUIREMENTS:

25. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.

26. Prior to issuance of any engineering permits for right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

27. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Development Services Department. Construction plans shall show, label, and dimension a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

28. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

29. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

TRANSPORTATION REQUIREMENTS:

30. No fewer than 2 parking spaces including 1 accessible space (2 parking spaces provided including 1 van accessible space) shall be maintained on the property at all times in the approximate locations shown on Exhibit "A". All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

POLICE DEPARTMENT RECOMMENDATION:

31. The San Diego Police Department recommends that a Crime Prevention Through Environmental Design (CPTED) review be requested by their department and implemented for the MMCC.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on May 28, 2015 and Resolution No. PC-XXXX.

Conditional Use Permit No.1298482 & Site Development Permit No. 1339753/PTS No. 368301

Date of Approval: May 28, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Edith Gutierrez
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

KYU M. HWANG
Owner

By _____
Kyu M. Hwang
Owner

KUM S. HWANG
Owner

By _____
Kum S. Hwang
Owner

DOUGLAS MCCRADY
Permittee

By _____
Douglas Mccrady
Permittee

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

PLANNING COMMISSION
RESOLUTION NO. PC-
CONDITIONAL USE PERMIT NO. 1298482 AND
SITE DEVELOPMENT PERMIT NO. 1339753
3433 PICKWICK STREET MMCC - PROJECT NO. 368351

WHEREAS, KYU M. HWANG AND KUM S. HWANG, Owners and DOUGLAS MCCRADY, Permittee, filed an application with the City of San Diego for a permit to operate a Medical Marijuana Consumer Cooperative (MMCC) in a 3,500 square-foot building (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1298482 and 1339753), on portions of a 0.11-acre site;

WHEREAS, the project site is located at 3433 Pickwick Street is in the I-1 Zone in the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Plan Area;

WHEREAS, the project site is legally described as Lots 16 & 17, Block 2 of Orange Park, Map No. 1210, September 25, 1909;

WHEREAS, on March 25, 2015, the Hearing Officer of the City of San Diego approved Conditional Use Permit No. 1298482 and Site Development Permit No. 1339753 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on March 25 and March 30, 2015, Jay Davis and Donna Jones filed an appeal of the Hearing Officer's decision;

WHEREAS, on May 28, 2015, the Planning Commission of the City of San Diego considered the appeal of Conditional Use Permit No. 1298482 and Site Development Permit No. 1339753 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on September 24, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and the Environmental Determination was appealed to City Council, which heard and denied the appeal on January 13, 2015 pursuant to Resolution No. 309473;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated May 28, 2015.

FINDINGS:

Conditional Use Permit Approval – Section §126.0305

1. The proposed development will not adversely affect the applicable land use

plan.

The proposed project is a request for a Conditional Use Permit and Site Development Permit to operate a MMCC in a 3,500 square foot building. The 0.11-acre site is located at 3433 Pickwick Street in the I-1 Zone in the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Plan Area. The Light Industrial I-1 zone is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities.

The site is designated Industrial within the Gateway Center West and Stockton neighborhood of the Southeastern San Diego Community Plan. Gateway Center West is one of four adopted redevelopment project areas which encourages new and relocated industries that provide employment opportunities for community residents. The Industrial development in Stockton has played a major role in the history of this neighborhood as private developers have purchased this land for a variety of industrial uses. All of the surrounding parcels are in the I-1 zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit, is consistent with the community plan, and therefore will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed 3,500 square foot MMCC located at 3433 Pickwick is within an existing one-story building. The building is currently being used as a warehouse/office. The project proposes interior improvements that include a reception area, dispensary, offices, restrooms, storage and warehouse. Also minor exterior façade improvements are proposed. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway with a 20-foot wide City standard driveway, on Pickwick Street and landscaping.

The City of San Diego conducted an environmental review of this site in accordance with the California Environmental Quality Act (CEQA) guidelines. The project was determined to be categorically exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures).

MMCCs are restricted to four per Council District, 36 city-wide, within commercial and industrial zones in order to minimize the impact on the City and residential neighborhoods. MMCCs require compliance with San Diego Municipal Code (SDMC), section 141.0614 which require a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1298482 and Site Development Permit No. 1339753.

The Conditional Use Permit and Site Development Permit are valid for five years, however may be revoked if the use violates the terms, conditions, lawful requirements, or provisions of the permit.

The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area and therefore, the proposed MMCC will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The proposed 3,500 square foot building located at 3433 Pickwick Street is within an existing one-story building on a 0.11-acre site. The site is in the I-1 Zone in the Southeastern San Diego Planned District Ordinance and was developed in 1979 per Building Permit No. M64069. The building is currently being used as a warehouse/office. The project proposes interior improvements that include a reception area, dispensary, offices, restrooms, storage and warehouse. Also minor exterior façade improvements are proposed. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway with a 20-foot wide City standard driveway, on Pickwick Street and landscaping.

MMCCs are allowed in the I-1 Zone of the Southeastern San Diego Planned District Ordinance with a Conditional Use Permit (CUP) and Site Development Permit (SDP). The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed MMCC is consistent with the land use designation Industrial. The proposed MMCC meets all development regulations, no deviations are requested, and the permit as conditioned assures compliance with all the development regulations of the San Diego Municipal Code. The proposed MMCC therefore complies with the regulations of the Land Development Code.

4. The proposed use is appropriate at the proposed location.

The proposed 3,500 square foot MMCC located at 3433 Pickwick Street is within an existing one-story building on a 0.11-acre site. The site is in the I-1 Zone of the Southeastern San Diego Planned District Ordinance and designated Industrial within the Southeastern San Diego Community Plan Area. The Light Industrial I-1 zone is intended to provide for a wide range of manufacturing, light industrial uses,

certain "heavy" commercial uses and maximum employment opportunities. The site is designated Industrial within the Gateway Center West and Stockton neighborhood of the Southeastern San Diego Community Plan. Gateway Center West is one of four adopted redevelopment project areas which encourages new and relocated industries that provide employment opportunities for community residents. The Industrial development in Stockton has played a major role in the history of this neighborhood as private developers have purchased this land for a variety of industrial uses. The proposed MMCC, classified as commercial services, is consistent with the community plan.

MMCCs are allowed in the I-1 Zone of the Southeastern San Diego Planned District Ordinance with a Conditional Use Permit and Site Development Permit. The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The San Diego Municipal code limits MMCCs to commercial and industrial zones and the number of MMCCs to only four per Council District, 36 city-wide, in order to minimize the impact on the City and residential neighborhoods. All of the surrounding parcels are in the I-1- zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit. Therefore, the proposed MMCC is an appropriate use at the proposed location.

Site Development Permit I. - Section §126.0504

1. The proposed development will not adversely affect the applicable land use plan.

The 0.11-acre site is located at 3433 Pickwick Street in the I-1 Zone in the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Plan Area. The Light Industrial I-1 zone is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities.

The site is designated Industrial within the Gateway Center West and Stockton neighborhood of the Southeastern San Diego Community Plan. Gateway Center West is one of four adopted redevelopment project areas which encourages new and relocated industries that provide employment opportunities for community residents. The Industrial development in Stockton has played a major role in the history of this neighborhood as private developers have purchased this land for a variety of industrial uses. All of the surrounding parcels are in the I-1 zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit, is consistent with the community plan, and therefore will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed 3,500 square foot MMCC located at 3433 Pickwick is within an existing one-story building. The building is currently being used as a warehouse/office. The project proposes interior improvements that include a reception area, dispensary, offices, restrooms, storage and warehouse. Also minor exterior façade improvements are proposed. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway with a 20-foot wide City standard driveway, on Pickwick Street and landscaping.

The City of San Diego conducted an environmental review of this site in accordance with the California Environmental Quality Act (CEQA) guidelines. The project was determined to be categorically exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures).

MMCCs are restricted to four per Council District, 36 city-wide, within commercial and industrial zones in order to minimize the impact on the City and residential neighborhoods. MMCCs require compliance with San Diego Municipal Code (SDMC), section 141.0614 which require a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1298482 and Site Development Permit No. 1339753.

The Conditional Use Permit and Site Development Permit are valid for five years, however may be revoked if the use violates the terms, conditions, lawful requirements, or provisions of the permit.

The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons patronizing, residing or working within the surrounding area and therefore, the proposed MMCC will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The proposed 3,500 square foot building located at 3433 Pickwick Street is within an existing one-story building on a 0.11-acre site. The site is in the I-1 Zone in the Southeastern San Diego Planned District Ordinance and was developed in 1979 per Building Permit No. M64069. The building is currently being used as a warehouse/office. The project proposes interior improvements that include a reception area, dispensary, offices, restrooms, storage and warehouse. Also minor exterior façade improvements are proposed. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway with a 20-foot wide City standard driveway, on Pickwick Street and landscaping.

MMCCs are allowed in the I-1 Zone of the Southeastern San Diego Planned District Ordinance with a Conditional Use Permit (CUP) and Site Development Permit (SDP). The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The proposed MMCC is consistent with the land use designation Industrial. The proposed MMCC meets all development regulations, no deviations are requested, and the permit as conditioned assures compliance with all the development regulations of the San Diego Municipal Code. The proposed MMCC therefore complies with the regulations of the Land Development Code.

Site Development Permit II. - Section §1519.0202

1. The proposed use and project design meet the purpose and intent of the Southeastern San Diego Planned District Ordinance, comply with the recommendations of the Southeastern San Diego Community Plan and will not adversely affect the General Plan or other applicable plans adopted by the City Council.

The proposed project is a request for a Conditional Use Permit and a Site Development Permit to operate a MMCC in a 3,500 square foot building. The 0.11-acre site is located at 3433 Pickwick Street in the I-1 Zone in the Southeastern San Diego Planned District Ordinance within the Southeastern San Diego Community Plan Area. The existing one-story building was constructed in 1979 per Building Permit No. M64069. The Light Industrial I-1 zone is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities.

The site is designated Industrial within the Gateway Center West and Stockton neighborhood of the Southeastern San Diego Community Plan. Gateway Center West is one of four adopted redevelopment project areas which encourages new and relocated industries that provide employment opportunities for community residents. The Industrial development in Stockton has played a major role in the history of this neighborhood as private developers have purchased this land for a variety of industrial uses. All of the surrounding parcels are in the I-1 zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit, is consistent with the community plan, general plan and therefore will not adversely affect the applicable planned district ordinance or land use plan.

2. The proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable.

The proposed 3,500 square foot MMCC located at 3433 Pickwick is within an existing one-story building. The building is currently being used as a warehouse/office. The project proposes interior improvements only that include a reception area, dispensary, offices, restrooms, storage and warehouse. Also minor exterior façade improvements are proposed. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway with a 20-foot wide City standard driveway, on Pickwick Street and landscaping. All of the surrounding parcels are in the I-1 zone and the existing uses are consistent with the Industrial designation of the community plan. The proposed MMCC, classified as commercial services, is a compatible use for this location with a Conditional Use Permit and Site Development Permit, is consistent with the community plan and will be in harmony with the surrounding neighborhood.

The project requires compliance with the development conditions in effect for the subject property as described in Conditional Use Permit No. 1298482 and Site Development Permit No. 1339753 in order to not constitute a disruptive element to the neighborhood and community. The Conditional Use Permit and Site Development Permit are valid for five years, however may be revoked if the use violates the terms, conditions, lawful requirements, or provisions of the permit.

3. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

The proposed 3,500 square foot building located at 3433 Pickwick Street is within an existing one-story building on a 0.11-acre site. The site is in the I-1 Zone in the Southeastern San Diego Planned District Ordinance and was developed in 1979 per Building Permit No. M64069. The building is currently being used as a warehouse/office. The project proposes interior improvements that include a reception area, dispensary, offices, restrooms, storage and warehouse. Also minor exterior façade improvements are proposed. The proposed improvements will require a ministerial building permit. The tenant improvement building permit will require compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and all adopted referenced standards. Public improvements include the replacement of the existing driveway with a 20-foot wide City standard driveway, on Pickwick Street and landscaping.

MMCCs are allowed in the I-1 Zone of the Southeastern San Diego Planned District Ordinance with a Conditional Use Permit (CUP) and Site Development Permit (SDP). The CUP requires MMCCs to comply with SDMC, section 141.0614 which requires a 1,000 foot separation, measured between property lines, from: public parks, churches, child care centers, playgrounds, libraries, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, and schools. There is also a minimum distance requirement of 100 feet from a residential zone. In addition to minimum distance requirements, MMCCs prohibit consultations by medical professionals on site and do not allow certain types of vending machines. Security requirements include interior and exterior lighting, security cameras, alarms and a security guard. The security guard must be licensed by the State of California and be present on the premises during business hours. Hours of operation are limited from 7:00 a.m. to 9:00 p.m. seven days a week. MMCCs must also comply with Chapter 4, Article 2, Division 15 which provides guidelines for lawful operation.

The referenced regulations and conditions have been determined as necessary to avoid adverse impact upon the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

4. The proposed use will comply with the relevant regulations of the Municipal Code.

The proposed MMCC is consistent with the I-1 Zone which is intended to provide for a wide range of manufacturing, light industrial uses, certain "heavy" commercial uses and maximum employment opportunities. It proposed use is consistent with the land use designation of Industrial within the Gateway Center West and Stockton neighborhood of the Southeastern San Diego Community Plan. The proposed MMCC meets all development regulations, no deviations are requested, and the permit as conditioned assures compliance with all the development regulations of the San Diego Municipal Code, therefore the proposed MMCC therefore complies with the relevant regulations of the Municipal Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 1298482 and Site Development Permit No. 1339753 are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1298482 & 1339753, a copy of which is attached hereto and made a part hereof.

Edith Gutierrez
Development Project Manager
Development Services

Adopted on: May 28, 2015

Job Order No. : 24004645